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DEPARTMENTS

WWWWW.....13

The war in Detroit
NPR, PBS, CPB, and \$\$\$
What Mike Wallace heard in Argentina
Who calls the shots in Singapore
Feiffer: Take me!
A wounded Eagle

RESOURCE.....24

Taking Inflation Seriously
 by Robert Sahr

TECHNOLOGY.....50

"The Tablet" Lives, Sort of
 by Stephen D. Isaacs

ABOUT BOOKS.....51

David Brinkley: A Memoir
 Reviewed by Neil Hickey

Walker Evans: A Biography
 by Belinda Rathbone
 Reviewed by William McGowan

A Good Life
Newspapering and Other
Adventures
 by Ben Bradlee
 Reviewed by Piers Brendon

PUBLISHER'S NOTE.....4

LETTERS.....5

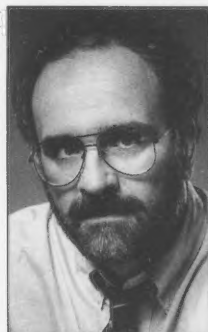
DARTS & LAURELS.....25

SHORT TAKES.....63

THE LOWER CASE.....65



40



29



44

FEATURES



51

Smoking Guns 29

ABC, Philip Morris, and the Infamous Apology
 by Steve Weinberg

How to Downsize a Reporter 38

A Chilling Internal Memo from Times Mirror Management

Letter from Paris 40

The Rise of the Fouille-Merdes Or, Why Investigative Journalism in France Is No Longer a Contradiction in Terms
 by Mark Hunter

What Michael Ovitz Knows About Managing the News 44

A Cautionary Tale for Journalists Who Will Record the Next Chapter — at Disney/Cap Cities/ABC — in the Super-Agent's Ascendancy
 by Neal Koch

Cover: ABC News's televised apology courtesy of The Tyndall Report

"TO ASSESS THE PERFORMANCE OF JOURNALISM . . . TO HELP STIMULATE CONTINUING IMPROVEMENT IN THE PROFESSION, AND TO SPEAK OUT FOR WHAT IS RIGHT, FAIR, AND DECENT" From the founding editorial, 1961

The Last Nickel

"Responsibility in the Free Media Market — Self Control and Management" was the title of a symposium hosted by the Bertelsmann Foundation in Hamburg, Germany, in July. The meeting was attended by an international group of journalists, publishers, producers, broadcasters, industrialists, government officials, and educators. The following are excerpts from my presentation "Is Journalism Losing Its Standards?"

Journalism has become a major battleground in a civil war of values that is raging throughout our country, affecting every institution — business, law, medicine, even education: economic responsibility versus social responsibility; corporate values versus community values; personal profits versus the public good.

One of the most awesome changes of our time is the increase in the power and pervasiveness of the news media. That's why the question of standards is so important. Around the world there is growing public concern about the performance and behavior of the news media. The bottom line is that the public no longer trusts us. And for journalism, that is critical. Trust is our most important product.

Next year is the fiftieth anniversary of a report on American journalism that has become a defining expression of the ideals of a free press in a democracy. Titled "A Free and Responsible Press," it has become known as the Hutchins Commission Report, after its chairman, Robert Hutchins, who was then chancellor of the University of Chicago. In light of the vast changes in the communications industry, it is surprising how current the report remains and how persistent is the problem of a free, and more often than not, an unruly press.

Hutchins lays out his mission in the introduction: "This report deals with the responsibilities of the owners and managers of the press to their consciences and the common good for the formation of public opinion." Take note of the object of their examination: owners and managers!

It is the owners who not only have the responsibility but who possess the power to set the tone, state the rules, and define the boundaries of conduct. If we look back in time, we find that it was a few early owners who deserve the credit for establishing the public interest standards of the trade, the ethos and culture of responsible journalism. Some examples:

The founding statement by E.W. Scripps, who established the Scripps Howard chain, reads: "We shall tell no lies about persons or policies for love, malice or money."

C.L. Knight, founder of what today is the Knight Ridder chain, told his son, publisher and editor John S. Knight: "Better that you should set fire to your plant, and leave town by the light of it than to remain a human cash register editor."

And when Adolph Ochs took over ownership of *The New York Times* in 1896, he included these words in his statement of purpose: "It will be my earnest aim to give the news, all the news, in concise and attractive form, in language that is permissible in good society . . . To give it impartially, without fear or favor."

A few years ago in the midst of the newspaper recession, Arthur Ochs Sulzberger, known as "Punch," chairman of *The New York Times*, was asked how the *Times* was able to cut its budget and still maintain the quality of the newspaper. Punch replied that the *Times* was fortunately still a family-controlled business, and the family had long ago decided they were not out to make "the last nickel."

In radio and television, too, we find owners who built responsible news organizations that, at least in the early days, attempted to live up to print journalism standards. Both David Sarnoff of NBC and William Paley of CBS respected news and public affairs and viewed it as an essential part of the broadcasting mix, a protected part of it, worth subsidizing with profits from entertainment.

What owner or manager in the American media today is publicly articulating the themes of high standards and high ideals? What owner is openly acknowledging that news is a highly profitable business with a legal franchise and protections that imply duties, obligations, and responsibilities?

None, that I can think of. Instead, broadcasters, cable operators, phone companies, and publishers have formed powerful trade associations to lobby for more freedom and less responsibility. And have won it.

Journalism has always existed in two different realities — the reality of the economic marketplace; and the reality of a special institution protected by law in order to serve the public interest. Today the traditional balance between those two realities has clearly become destabilized. Economic reality has taken over.

But I would argue that there is strong evidence that the two are not mutually exclusive. We have many examples of profitability and quality today: *The New York Times*; *The Washington Post*; *The Wall Street Journal*; and smaller papers like the *Raleigh News and Observer* and *The Charlotte Observer*. There are hundreds of quality magazines and book publishers. And there is quality television news, some on CNN but also on the networks and PBS too.

Every business could give more serious consideration to quality as a strategic advantage; quality as a value, offering a competitive edge. As a matter of enlightened self-interest, the owners, including the public stockholders, should be encouraged to recognize the strategic wisdom of sometimes putting up the last nickel not only to cultivate dollars but to cultivate the public trust. ♦

LETTERS

NEW PATHS OR OLD?

So-called civic journalism ("Are You Now, or Will You Ever Be, A Civic Journalist?," *CJR*, September/October) is nothing more than a warmed-over version of the old plea for "good" news. In 1986, in my third and last year as the environmental reporter for the *Niagara Gazette*, ten years of hard-hitting stories about the Love Canal disaster had not diminished the *Gazette's* — and more significantly, owner Gannett's — discomfort with stories that made the city's corporate and political leaders squirm. Four years later, while toxins still leaked into the city's water supply from Occidental Chemical Corp. dumps, the *Gazette* had eliminated the environmental beat entirely.

Back then, what passes for "civic journalism" today is what we lowly reporters called "kissing up to the chamber of commerce." Only the name has changed.

LISA AUG
Frankfort, Ky.

We journalists in the latter part of the twentieth century resemble painters who have forgotten they can use more than one color on a canvas. Using more colors doesn't insure a painting will be "good," but it does open up new territories and possibilities. Public journalism is a new color for journalists and I applaud those giving it a try. I also applaud Mike Hoyt's article as the most finely grained portrait of civic or public journalism I have seen.

My only caveat with civic journalism is that it is just one of many untried paths. We journalists, particularly those who lead newspapers, have locked ourselves in a box and forgotten we can open the door. I would like to see a newspaper try satire on its front page, or open advocacy, or polemics. Our only limitation should be that of ink on paper (or whatever technology we use to tell a story). Our only essential rule should be "don't lie." Beyond that, all styles or methods are open. "Objective journalism" is proving itself too often blind, socially destructive, and worse, lousy at telling the truth about a situation

or event. We despair that fewer people are reading newspapers yet we hesitate to try things that might thrill, anger, or amuse them. Let's put some more colors on the canvas.

ALEX MARSHALL
Staff writer
The Virginian-Pilot
Norfolk, Va.

With the ability to hand out large sums of money to those who will do their bidding, the foundations that back civic journalism projects represent a threat to buy the kind of journalism their benefactors desire. Journalists already are too prone to allow awards and prizes to guide their agenda.

Foundation executives are typically well connected to community power structures and serve those interests, not the requirements of a free press. Newspapers are lax enough in not examining the real power in any community. To invite these same interests into the decision-making of the news media would be disastrous, no matter how high-sounding their message.

ROLD BARTIMOLE
Point of View
Cleveland, Ohio

A WINDOW ON THE MEDIA

Neil Hickey ("The Megamedia Are the Message," *CJR*, September/October) seems to agree with Al Snyder in urging Disney et al. to guarantee noninterference with the journalists in their respective news organizations.

Even if Disney/ABC and Westinghouse/CBS, among others, did make such a public promise, those of us who read Ben Bagdikian and the alternative press know enough not to bet the farm on such a "covenant."

Corporate control of the media is already rampant and will get worse. One need only contemplate the proliferation of TV "news" coverage of Windows 95 — a most egregious use of valuable news time to puff up a huge corporation. We are still in the dark



PUBLISHER
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as to what kind of deal Microsoft made to get all that free publicity. Does anyone seriously think that's going to stop? Consider, for example, CJR's own Darts and Laurels column. Of the eight stories in the latest issue, six deal with corporate or business control of the press. And that's just scratching the surface.

MARYELLEN LAKE
Becket, Mass.

LESS IS MORE

Ronald D. Elving's article, "C-SPAN Gets Pushy" (CJR, September/October), asks whether Brian Lamb's cable television offering can, in Jack Nelson's words, "really be journalism." But the larger — unasked — question must be: What is journalism?

When I began newspapering in 1965, the journalistic bywords were objectivity and accuracy. My mentor was an antiwar activist and a leading light of *Ramparts* magazine, yet he left his opinions at the newspaper's entrance. Reporters were strongly discouraged from engaging in "editing (except to tighten the story), commentary, or analysis." Those functions were left to editorialists, commentators, and analysts, who did not trespass beyond the borders of the editorial, op-ed, and review pages.

These days we see more of the news hole occupied by editorials masquerading as "news analysis." Stories have punch lines or Aesopian morals. Who, what, when, where, and why don't seem to be enough. Television reporters and anchors find it necessary to complement their verbiage with the wrinkled brow, the turned mouth, the ironic tilt of the head.

It is clear from viewers' calls to C-SPAN that many Americans reject some journalists' elitist notion that people must be led by the nose to an opinion. When these viewers say "Thank God for C-SPAN," they are expressing their belief that they do not need information gatekeepers to keep them up to date on public affairs.

Elving says Brian Lamb "wants it all." Hurrah, I want it all, too — uncut and free of media spin.

BOB SMITH
Spencer, Mass.

LEAVING THE POST: THE NEXT STRETCH

As a former *Houston Post* assistant city editor and survivor of other terminally ill news organizations, I read with great inter-

est Marty Graham's "Romance and Rancor" in the September/October issue.

In her first-person narrative, Graham painted a poignant picture of those sad and chaotic days after the Hearst Corporation bought the *Post*'s assets and owner Dean Singleton shut down the oldest paper in the nation's fourth-largest city. But several points were omitted that might lend a fuller picture of the immediate aftermath of the *Post*'s demise.

Within hours of the announcement that the *Post* was closed, several former editors scrambled to help city desk reporters find jobs. Our desks became clearinghouses for editors around the country who were looking for good reporters.

Yes, the Fort Lauderdale *Sun-Sentinel* did a few interviews en masse, as Graham reported, but they also gave four-day interviews/Florida beach vacations to others; yes, some talented white males are still out of work partly because of newsrooms' diversity efforts, but *The Oregonian* and *Fort Worth Star-Telegram*, among others, hired talented white males; an education writer was eventually entertaining offers in the Washington, D.C., area, where there already are legions of good journalists; another city reporter is now a statehouse bureau chief; my paper, the *Houston Chronicle*, quickly snatched up the *Post* staff it had been admiring for years, hiring at least a half-dozen reporters, editors, and assistants. There are still other examples.

As a five-year UPI veteran, I know how it feels when owners run news organizations into the ground through bad business practices and ignore the value of good journalism. But in the aftermath of the death of *The Houston Post*, I was impressed with the way the journalism community around the country circled the wagons to keep good people working. These journalists will find that they will not only survive, but thrive, in the post-Singleton world.

WENDY BENJAMINSON
Houston, Tex.

I'm afraid that my former *Houston Post* colleague, Marty Graham, read too much into what I told her while she was writing her CJR piece on the death of the paper. While I did tell her that I put off looking for another job for three weeks after the *Post* was killed, I never told her I was depressed, as she implied in the article.

Yes, I was saddened and angered by the demise of the newspaper. However, as I wrote in the *Houston Press*, it had more to do with the brutal breaking of that special bond that had linked us to our readers for so many years. But I got over that, and as any of my friends can attest, I never

Why Classification Reform really can mean the greatest good for the greatest number.



The Classification Reform proposal now before the Postal Rate Commission is an effort to stem the tide of continually rising second-class mailing costs. The idea is to rename the category "Periodicals" and to establish a new tier within that category called Publications Service which recognizes and rewards efficient mail preparation.

Qualifying mailers would realize savings of about 14% from Classification Reform. But some would face higher rates, and argue that Classification Reform could hurt many small publications.

The fact is that some publications will be hurt if Classification Reform does *not* occur. This is why:

At present, the cost of second-class mail service is distributed among all users. Without Classification Reform and its proposed incentives for greater efficiency, these costs would almost certainly escalate. Large-volume mailers might find alternative ways to distribute their publications. This would leave the remaining mailers the burden of absorbing an increasingly inefficient and costly mail-stream, and precipitate their worst-case scenario.

Instead, many small-volume mailers could take advantage of Classification Reform through operational changes such as co-mailing to qualify their publications for Publications Service rates.

Classification Reform proposes more rational pricing, and facilitates low operational costs and better service through technological efficiency. And that ultimately benefits all customers.



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approached anything resembling depression. In fact, I came to enjoy thoroughly my extended vacation. This may sound sacreligious, but I have not missed the *Post* — and the only time I really wished I still had a column was when it was revealed that the supercilious Phil Gramm had been in the pornography business. Oh, what joy it would have given me to write about that!

JUAN R. PALOMO
Houston, Tex.

WHEN YOU COME TO THE CAMP

As contact points between journalists and interviewees, we have some responsibility for the impact of reporters on the people here in the refugee camps. Gradually we have started to feel more and more ambivalent about what they are doing — what *you* are doing. Apropos Ray Schroth's article ("But It's Really Burning," *CJR*, September/October), we would like to present some thoughts and ideas related to our experiences.

We would like to propose that journalists and photographers work in a manner that is respectful to their subjects. It is unrealistic and arrogant to expect that people working in camps will reorganize their schedule around the needs of visitors, will gather up photographically cute children, or invite visitors into workshops and groups which will then be disrupted.

It is not okay for children to miss school, to leave their homework undone, or to stay up late because someone needs a story. People working in camps are not there to provide information for journalists, act as tour guides, etc. No visitor, not even a journalist, should expect these things. But all visitors, even journalists, will find tremendous hospitality in any camp they visit. It is only necessary to phone first to arrange a time, or perhaps send a fax with an outline of a proposed article in order to fit in with the normal schedule. Visitors who don't speak the language should either bring an interpreter, or be prepared to pay someone at the camp at the going rate. Journalists should also be aware that any one interviewee is not necessarily representative of anyone else in the camp. They should realize that not everyone will want to be interviewed or photographed, and that they should ask permission first.

We ask also, please, that journalists be courteous enough to fulfill their promises and send copies of articles or photographs to the people they have interviewed. It doesn't matter if it is in English, German, or Chinese; we will find someone to translate (well, Chinese might be a bit of a problem).

We know we cannot control what you report; we do not want to, nor should anyone else be able to. But many camps have their own newspaper, photography, or video projects. A key aim of these projects is to give the displaced the means to tell their own stories — to control their own image, their own portrayal.

It would be very positive if these groups had more of a chance to represent themselves in the international media. It would not be hard to make links to them — for photographs, articles, diaries, and so on. The world would benefit from joint media projects involving the people who are living the reality that Western journalism is working so hard to define.

RACHEL HASTIE
ALEXANDRA JONES
Volunteers
Center for Women War Victims
Zagreb, Croatia

NEWSPAPER HISTORY

Jules Feiffer's "Paperland" cartoon (*CJR*, September/October) brought back memories of my first day at newspapers that are now dead.

New York Newsday, September 25, 1985: A crisp, gorgeous fall day in New York. Happy to be there. My first assignment was a piece on security at the United Nations for a future event I've now forgotten. I met a woman from *The Washington Post* whose work I'd admired, and another reporter I'd worked with years ago. He welcomed me to New York.

I drank in the day, loved being at the brand new tabloid in town, the brand new paper of quality.

Duration of my stay at *New York Newsday*: nearly four years. I left to work on a novel.

The Baltimore News-American, October 12, 1978 (or thereabouts): I was a newly minted editor. People were deferential. A reporter introduced himself and tried to sell me right away on a travel story he'd done on his vacation in Cairo. I said I'd see what I could do. I was his editor and we also became friends. Now he's a national correspondent for the *Los Angeles Times* and I doubt he remembers my first day, though it's possible.

Duration of my stay at the *Baltimore News-American*: two years and two months. I left for a better job, in Philadelphia.

The Miami News, August 28, 1975: Go over and do a piece on how long people have to wait in the emergency room of Jackson Memorial Hospital, the city editor told me on my first day. There'd been some

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complaints about delays. I did that assignment, and what I remember is coming back that first day and telling my editor what I'd found, what the frustrated patients were saying. I was glad to be a reporter again. I'd been out of the business for a while.

Miami's a tough town and the paper was declining rapidly after its halcyon days that I missed so, in retrospect, it was almost all downhill after that particular first day. But being in Miami was worth the hassle, worth the journalistic struggle. Very much worth it: I met my wife there. She was also a reporter in the Magic City.

Duration of my stay at *The Miami News*: three years. We both got jobs up north, in Baltimore.

The Washington Star, July 1, 1969: A sticky summer day in Washington. From my apartment on Capitol Hill, I had an easy walk to the great national paper I'd always wanted to work for. I was delighted to be at the *Star* — at that time, still in an intense competitive battle with the hated (by me and other *Star* people) *Washington Post*. But I also remember thinking on the first day that I was going to have to work right through the horrible, humid Washington summer. I'd plotted and schemed to escape those summers before.

On that first day, a friend and former editor of mine at *The Washington Daily News* greeted me. He was my editor again. He found a typewriter for me close to the city desk. He joked about keeping an eye

on the new reporter. I didn't care where I sat. This was the *Star*. One of the best damn newspapers in America, probably the best afternoon paper. It was a privilege to be there.

Duration of my stay at *The Washington Star*: four years. Funny, it was a place I never thought I'd leave. I know why I left — because I got into a nasty argument with the metropolitan editor, because I wanted to write a book — but it's still painful to deal with.

The Washington Daily News, August 29, 1966: An underrated Scripps-Howard tabloid, the *Daily News* was my entree into Washington. I'd come from the *Hartford Courant*. The *Daily News* gave *The Washington Post* and the *Washington Star* a run for their money on many a day. I remember walking into the newsroom on that first day. The city editor tossed me a packet of clippings from the paper's library, all written by a reporter I'd heard of who'd just left the paper.

He was a helluva writer, one of the best in town. The editor said, "Just do what he did."

I gave it my best shot. And being a young reporter in Washington at that time was about as good as it gets in the newspaper business.

Duration of my stay at the *Washington Daily News*: two years and four months. I left to work for a congressman. That didn't last. I went to the *Star*.

The thing is, I've never worked for a paper when it folded. I tell my friends in the industry that according to my calculations I leave a paper on an average of nine years before it dies.

That's nothing to be proud of. I've mourned the deaths of all those papers, though they were all different, qualitatively and otherwise. The death of *New York Newsday* was perhaps the saddest — next to *The Washington Star* — because it made such an enormous contribution to the city in such a short time. Perhaps it's romantic and ahistorical to say that no newspaper deserves to die. But *New York Newsday* certainly didn't. It deserved to live and flourish in the city it defined so well.

DAVID HOLMBERG
West Palm Beach, Fla.

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There are 1.5 million people behind bars in the United States, another 3.5 million on probation or parole. If this number continues to increase, there will soon be as many people under the supervision of the criminal justice system as there are enrolled in higher education. Taxpayers spend billions of dollars each year on corrections. Yet the solution to crime remains elusive, the public's fear persists.

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MR. WARREN'S PROFESSION

Publisher's notes are seldom worth commenting on, but the one in the September/October issue is doubly outrageous.

It excerpts the remarks made by James



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I often describe my year of study at Yale Law School as one of the most exhilarating of my life. It is hard to convey what a change in thinking, a fine-tuning, a focusing I've gained as a result of my year at Yale.

—Jan Hoffman, MSL '91, *The New York Times*

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D. M. Shoemaker
Eisenhower Exchange Fellowships, Inc.
256 South 16th Street, 3rd floor
Philadelphia, PA 19102

Warren to the graduating class of the Columbia journalism school. Warren said, and I quote, "Cokie Roberts of ABC and National Public Radio took \$20,000 from one health care association right smack in the middle of that very health care debate she was covering as the network's congressional reporter."

Warren knows that to be untrue.

He knows it because he called me about it; I explained the facts to him. They are that her engagement to speak was made a year in advance, before the health care debate became a congressional matter on which she would report. When the situation changed, she attempted to cancel but was persuaded that in good faith, with all the invitations printed, she really should not. She spoke and donated the fee to the hospital where her sister had died.

Warren's clear disregard for facts is perfectly understandable. He is trying to establish a reputation as a fearless iconoclast and is taking the easiest route. As Stanislavsky remarked in a different school, if you can fake sincerity, that's acting!

RICHARD WALD
Senior vice president
ABC News
New York, N.Y.

James Warren replies: *Though I never spoke to Wald on this particular matter (I dealt with an ABC spokeswoman), the facts are these: a complete discussion of this one episode (which also included Cokie Roberts not allowing C-SPAN cameras to cover her address before the Group Health Association of America) was contained in my February 20, 1994, column. My address at Columbia mentioned only the substantial fee. While my address did not (as the by then year-old column had) mention her giving the fee to charity, my point remained the same: when money passes hands, even if directed to charity, the relationship between reporter and subject changes. It's the same as when you attend too many Washington dinner parties with people you cover. I suspect that if Wald had read any of my writings on this, or any other, subject (which apparently he has not), he might have second thoughts about both questioning my accuracy and falling back on the silliness about my "trying to establish a reputation as a fearless iconoclast." It seems that a Pavlovian thrust to question motive is a last refuge for those who practice situational ethics of the kind one might associate with ABC News.*

WHOWHATWHENWHEREWHY

detroit: which side are you on?

When The Newspaper Guild and five other unions struck the Detroit newspapers last July, veteran reporter Jack Kresnak walked out too. It seemed natural. Like Lou Grant, he is the prototype *Free Press* person: a feisty, down-to-earth former copy kid with a big heart who still loves the paper after twenty-six years. But a month later he was back at work, having resigned from the guild.

Money pressures and college expenses haunted him. He had doctors' bills and feared losing his medical coverage despite the union's vows to pick it up. He fretted about being permanently replaced — as his editors repeatedly threatened. Ultimately he decided, as he put it, that his family and his newspaper came before his union.

Consider the Detroit strike a parable about the state of American newspapering in the waning years of the century, a tough and confusing time to be a journalist. Many of the forces stirring in the industry have come together in Detroit — a steady march by newspapers toward



becoming the tight-fisted investments so praised by Wall Street. And in the newsrooms, a painful round of soul searching: Who are we, independent white-collar professionals, each on our own, or true-blue unionists, better off if we stick together? And how do we hang on here? Or do we even want to stay?

Like others in the newspaper industry, the heads of Gannett Company, Inc., and Knight-Ridder, Inc., who have been partners in Detroit since 1989 in a joint operating agreement (JOA), have

grouched generally for years about the high cost of printing today, about fewer readers, overmanned production jobs, and outdated work rules. But they apparently decided to seriously cut labor costs in Detroit in 1995.

Gannett, which publishes *The Detroit News*, and Knight-Ridder, the owner of the *Detroit Free Press*, clearly were weighing their options long before the contracts expired on April 30. Police in Sterling Heights, a suburb where the newspapers have a major printing plant, say newspaper officials approached them as early as January, warning of a possi-

ble strike and violence. And indeed, in no time at all, once negotiations broke down, the confrontation between the

newspapers and their unions took on the aura of a battlefield.

The newspapers' major bargaining issue with the production unions was relatively familiar: it wanted to cut jobs and change work rules. But with The Newspaper Guild, it wanted more. First of all, both papers wanted to switch to an individual merit pay system — no major guild paper has such a permanent agreement — and they wanted to cap overtime pay.

To the union it seemed that Gannett, which bargains separately with the guild, was seeking more than Knight-Ridder. Gannett wanted to allow and encourage reporters to shift from hourly to salaried status and then bargain individually, while nominally remaining in the union. The guild saw this as diminishing its collective strength, an invitation to slow suicide. Guild leaders say Knight-Ridder was not initially as firm on these demands as Gannett, although Knight-Ridder officials say they have the same goals as their JOA partner. "We're in a strike about rules from a

bygone era," says Heath J. Meriwether, executive editor of the *Free Press*.

Both newspapers clearly studied the tactical mistakes of other owners. Unlike management in recent strikes in New York, Pittsburgh, and San Francisco, the Detroit newspapers were quickly able to put together a newspaper and distribute it. They did this by relying heavily on corporate loaners — editors and reporters from other papers in the chains — as well as permanent replacements for production workers, journalists, and, perhaps most important, delivery drivers. Twice, when angry strikers surrounded the *News's* printing plant, the newspaper used helicopters to get the papers over the picket line.

SOUNDBITE

"The professional reasons for my departure from that job were ample. They were passionately held. They were numerous. When I left, I told the truth."

Geneva Overholser — who quit in February as editor of Gannett's Des Moines Register amid suggestions that working for a profits-first media chain had worn her down — after a Register report in September suggested that she had personal reasons for leaving. The paper reported that Overholser, who is in the midst of a divorce, and her former managing editor, David Westphal, had jointly purchased a home in Washington, D.C.

Robert

Giles, the *News's* editor and publisher since 1989, says the papers' only goal was to become "more efficient and competitive." But the unions say his route to that goal is union-busting. They cite a quote from

Giles in a *St. Petersburg Times* story in August about how the strike might end. "We're going to hire a whole new work force and go on without unions or they can surrender unconditionally and salvage what they can," he was quoted as saying.

Even in Detroit, a city stuck on its gritty autoworker past, the unions weren't ready for that, or at least the guild wasn't.

Although the guild had led the walkout, some reporters found themselves unprepared to bargain in tandem with their blue-collar brethren, a psychic split with historical resonance. At its start sixty-two years ago, the guild's founders were divided about whether they were professionals or simply

organized workers, and so in a compromise their labor organization was called a guild, not a union.

The split was reflected on the picket line, where a trickle of returnees turned into a disappointing flow for the guild as about 40 percent of the journalists in its ranks crossed over by October. In many cases, the returnees said they could not let the guild's loyalty to other unions sink their careers.

Doron Levin, a *Free Press* business columnist, who went back to work after three weeks, announced upon his return that he no longer needed a union. Mitch Albom, another high-profile *Free Press* columnist, wrote on his first day back in early September that he was crossing over for the sake



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of the readers, and that he wanted to save the *Free Press*. He also vowed to give the guild much of his salary.

Less famous returnees quietly said they were doing it out of loyalty to their bosses, or to keep alive the two newspapers, which have not done well, losing thousands of readers under the Detroit Newspaper Agency, the Gannett/Knight-Ridder outfit that operates the papers under the JOA. Largely because of a JOA decision to drop its share of morning delivery, the *News*'s circulation had plummeted to 354,403 daily just before the strike, down from 676,025 in March 1989. The *Free Press*'s daily circulation was at 531,825, down from 629,295 at the same time in 1989. The six-year-old JOA has earned

profits only in the last two years.

Some of those who went back were driven by the threat of being replaced. Less than a month after the strike began, the *Free Press*, which last year had editorialized against the use of permanent replacements, gave its workers a return-to-work deadline. The *News* didn't, saying it had enough returning workers, in addition to new ones.

To those still on the picket line, meanwhile, the returnees quickly became the enemy. Abandoning the other unions, some said, would not only be suicide for the guild in future negotiations, but would mean reneging on a promise. That, they said, they couldn't do.

Others stood on moral ground no higher than their

fury over what they saw as an increasingly exhausting pace of work over the last few years, a speed-up without compensation. The promise of merit pay, in their eyes, was in reality the threat of a longer wage freeze. In its last contract with the JOA partners in 1992, the guild and ten unions had grudgingly accepted a pay freeze.

"Why am I here? The company has been good to me," said Toni Cybulski, a design director for the *Free Press*, one day at guild strike headquarters. Then she answered her question. "It's because I got into journalism in order to speak against things like this, a corporation without a conscience."

One late September night, as an army of demonstrators, some of whom would later

be hurt by delivery trucks barreling through the picket line, confronted replacement drivers and police at a printing plant, Barry Rohan, a twenty-year *Free Press* veteran, quietly admitted he had never been much of a union person before. He also wondered who would hire him, a fifty-nine-year-old business reporter. "But this radicalizes you," he added, a placard hoisted over his shoulder. "I'll never cross a picket line."

Kresnak, meanwhile, in his resignation letter to the guild, asked the union to take him back once the strike was over. He added that he hoped the union won.

Steve Franklin

Franklin, a former employee of the Free Press, is a reporter for the Chicago Tribune.

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public broadcasting: free at last?

Last winter Republican party leaders let it be known that federal appropriations for public broadcasting were high on their hit list. But after a summer of intense negotiations, a compromise appears to be at hand that could result in a whole new system of financing. The new approach would create a trust fund from some of the windfall generated by new technologies, and could eliminate the roles of both Congress and its funding arm, the Corporation for Public Broadcasting, from the process.

If it survives the final round of negotiations, the

new financing system is likely to shed light on the structural strengths of public radio and the weaknesses of public television. And, its advocates suggest, it could give both wings of public broadcasting an editorial and creative boost.

The current round of the debate was launched last March, when two House Republican subcommittee chairmen issued a directive to the Corporation for Public Broadcasting (CPB) to produce a privatization plan that would remove public broadcasting from the congressional budget process forever.

Although the directive was billed as a cost-cutting measure, it was clear that it was also related to the Republicans' distaste for areas of programming, especially on PBS, and to a

deep-seated belief that broadcasting was best left to the free market. (Eliminating federal expenditures on public broadcasting would hardly make a dent in the deficit. Of the system's \$1.5 billion 1995 budget, federal funds accounted for only \$286.5 million — half the cost of a single B-2 bomber.)

Some congressional Republicans suggested that full-fledged advertising on public broadcasting is the solution. Currently, corporate underwriters may briefly describe themselves and their business activities, but the language cannot include a "call to action" urging the audience to buy their products or services. Although some public television stations support the idea of ads, others, along with NPR, cite studies that

indicate that advertising would result in a net loss, diminishing foundation and listener support by removing the aura of public service.

Two factors caught the Republicans unawares. One was stronger and broader public support for public broadcasting than they had expected. The other was a policy fault line that divided the public broadcasting institutions themselves. The CPB's response to the directive was to recommend shrinking itself — continued federal funding, but at a drastically reduced level.

But in May, a group of four public broadcasting institutions — all of them, unlike the CPB, involved in producing programming — suggested a radically different approach. The group — the Public Broadcasting Service, National Public

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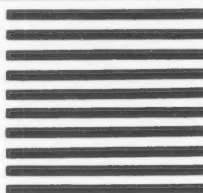
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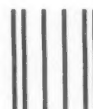
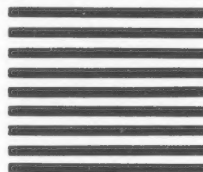
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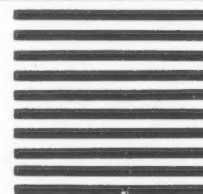
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Radio, Public Radio International, and the Association of America's Public Television Stations — proposed a plan, called "The Road to Self-Sufficiency," to free public broadcasting from the congressional budget process by the year 2000. The strategy entails a combination of cost-cutting measures and the creation of a tax-exempt Public Broadcasting Trust Fund modeled on trusts Congress has established for the American Red Cross and the U.S. Olympic Committee. The trust fund idea goes back to a 1967 Carnegie Commission report, but it has not received serious congressional consideration until now.

The trust fund idea seems to satisfy the demands of the public broadcasting program producers as well as key Republican cost-cutters,

including Senator Larry Pressler, chairman of the Senate Commerce Committee.

The plan's advocates point out that public broadcasting would stand to gain in editorial and creative independence by divorcing itself from the acrimonious congressional debate. The question, of course, is where the money can be found.

Trust fund supporters have a number of ideas on how to raise it. Among them are: an approximate 2 percent tax on the sale of commercial broadcast licenses (sales that are currently untaxed); and contributions from commercial broadcasters in return for relieving them of some of their public service obliga-

SOUNDBITE

"I think FOIA is one of the most important laws ever passed, and it is being flagrantly ignored, at great cost. That's why I'm pursuing this."

Former AP reporter Terry Anderson, a hostage in the Middle East for seven years, at the California First Amendment Assembly, in Oakland. Thirteen federal agencies have refused to give him documents related to his captivity, Anderson says, and he has filed a federal lawsuit to compel them to do so.

tions, such as children's educational programming.

The idea with the most momentum, however, involves the sale of public broadcasting's own broadcast spectrum. As broadcast technology moves from broadband to digital, each current public broadcasting frequen-

cy could be subdivided into several digital frequencies, reserving one for public broadcasting and auctioning off the rest. This process is estimated to yield well over \$10 billion — the bulk of which has been earmarked for the deficit. If the Republicans allow \$3 billion to \$5 billion to go toward the trust fund, it will put U.S. public broadcasting on a new course.

Public radio may be better situated to take advantage of this new environment than public television. NPR has a strong administrative and production center in Washington that generates a coherent schedule of national programming. With the advantages of radio's low overhead and a passionate sustaining audience, NPR's greatest needs are for the stability and independence

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Ken Irby, Associate, Visual Journalism, believes in leadership and collaboration. At *Newsday*, he was deputy director of photography. At Poynter, Ken's experience and skill bring new emphasis to photojournalism in our visual journalism program.



Scott Libin, Associate, Management and TV News, spent nine years at WGHP-TV, Greensboro, as a news director, anchor, and reporter before coming to Poynter. Scott's experience strengthens our growing expertise in broadcast journalism.



Deborah Potter, Associate, TV News Reporting, brings 20 years of experience in television and radio news, most of it as a correspondent for CBS and CNN. Using her expertise in national politics, Deborah is leading our election studies.



Ron Reason, Acting Director, Visual Journalism, supervised the design of the *St. Petersburg Times*, a newspaper with a tradition of leadership in visual journalism. At Poynter, Ron directs a program of unmatched achievement in design and graphics.



Keith Woods, Associate, Ethics, is a former reporter, city editor, columnist, and editorial writer. Keith shared a National Headliner Award for a comprehensive series on race relations at the *Times-Picayune* in New Orleans. He now leads our efforts in diversity.

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SOUNDBITE

"For twenty-five years [Penthouse] was and continues to be the single biggest-selling magazine in the Pentagon."

Bob Guccione, the publisher of Penthouse, in "An Open Letter to the Unabomber" advertisement in The New York Times on August 13.

the trust fund could offer.

For PBS, the future is more problematic. PBS is an association of individual stations rather than a traditional network; if new money does arrive, it is unclear who would determine how it should be spent. Until recently the system has lacked a national schedule, undermining both its profile and its audience. Also, its reliance on British-produced material has

blurred its distinction from cable channels that also buy British. If PBS is to advance under a new system, it will need to alter its programming and managerial structure.

At the same time, the trust fund may be the best way to preserve the existing contributions of public broadcasting. Whatever their flaws, public radio and

television have been preeminent providers of quality content in U.S. broadcasting. It is now up to Congress to allow content to become the priority.

Anne Nelson

Nelson is coordinator of the International portfolio at Columbia's graduate school of journalism. In January 1995, she served as an editorial consultant to the WNYC Foundation.

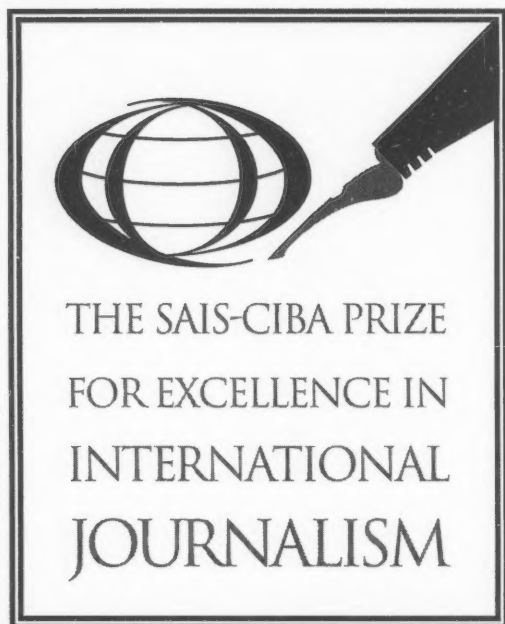
a matter of interpretation

Horacio Verbitsky is, in a way, Argentina's Mike Wallace — an aggressive, powerful, and determined investigative reporter, respected for a consistent string of major stories. You'd think they'd see eye to eye. But at the moment, Verbitsky is at odds with Wallace over a curious footnote to perhaps the most sensitive issue in Argentina.

Verbitsky, who writes a weekly political column for the left-leaning newspaper *Página 12*, stunned his readers in March with a story detailing the confessions of a former lieutenant commander in the Argentine navy, Adolfo Francisco Scilingo. As part of the military's war waged on leftist guerrillas from 1976 to

1983 — the so-called "dirty war" — Scilingo admitted that he was directly responsible for the deaths of thirty political prisoners who were thrown out of airplanes as part of the larger plan to rid the country of what the military considered to be subversives. Scilingo told Verbitsky that as many as 2,000 of what Argentines call "the disappeared" died this way — drugged, stripped naked, and tossed alive into the Atlantic Ocean.

Verbitsky's story opened up a wave of new criticism against Argentina's president, Carlos Menem, for the way the government had handled military officers accused of participating in the dirty war. In 1990, in a controversial



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move, Menem pardoned military officers and others accused of human rights abuses during that period, arguing that it was time for Argentina to move on, away from this painful part of its history.

The Scilingo story also caught the attention of the U.S. media, including *60 Minutes*, which flew Wallace to Buenos Aires to interview Scilingo and President Menem. Afterwards, Verbitsky obtained a videotape of the Menem interview — “We have no idea how he got it,” says producer Bob Anderson — and published a transcript of it in *Página/12* on April 2, the same day *60 Minutes* aired its segment.

Near the end of the interview, Menem said something to Wallace that *60 Minutes* did not include in its piece, but which Verbitsky and *Página/12* thought was very significant. According to a videotape of part of the interview that was shown on the TELEFE television station in

Buenos Aires, Menem described his own knowledge of something similar to the awful scenes that Scilingo had described.

The president, who was a dissident himself during the dirty war, held as a prisoner on a ship, told Wallace, in Spanish, “And through the window of the ship, we could see with my companions how they brought in long lines of prisoners with their faces covered. And the cries of terror in the hold of the ship because of the tortures. Many were tortured for a long time and thrown out into the river. This is not something I was told about. This I have lived.” *ESTO LO VIVI* was the headline in *Página/12*; “This I have lived.”

Menem’s words raised a question that resonated throughout Argentina. Do the words add up to something that Menem ought to have divulged before? If he had personally witnessed dirty-war atrocities and never gone public with them until 1995, Menem would be open to serious criticism. After the *Página/12* piece, the president said that he had not actually seen people thrown

into the river. The *Buenos Aires Herald* quoted *60 Minutes* executive producer Don Hewitt as backing up the president. Wallace and Anderson, for their part, although they do not challenge Verbitsky’s transcript of the interview with President Menem, both told *CJR* that they did not understand Menem to mean that he had personally witnessed any deaths. About Verbitsky, Wallace suggested, “He doesn’t like Menem.”

With *60 Minutes* in his corner, meanwhile, President Menem called Verbitsky a “terrorist with a pen.” Verbitsky, furious, says his reputation has been damaged. “The trust of the public is my only asset,” he says.

Part of the heat surrounding the incident stems from the fact that Menem was running for reelection at the time the *60 Minutes* interview was broadcast. He eventually won reelection, avoiding a runoff, with 49.67 percent of the vote.

Meanwhile the “Mothers of the Plaza de Mayo,” a group of women whose children are among the disappeared, continue to march in protest in the main government square in Buenos Aires each week, waving signs that read, “We don’t want the list of the dead. We want lists of the assassins of our children.” They have been marching in that square, and waving such signs, for nearly two decades.

Jenny Johnson

Johnson, a recent *CJR* intern, is a journalism student at Loyola University in New Orleans.

singapore's grip

As regular readers of William Safire’s *New York Times* column well know, the commentator frequently turns his pen on Singapore’s authoritarian government. His July 10 column, for example, was headed “Honoring Repression,” and said Singapore’s leaders “represent old-fashioned European totalitarianism.”

In an unusual twist to the tale, Safire’s fans outside the United States never got to see the column because it was not published in Safire’s usual op-ed spot in the *International Herald Tribune*, the Paris-based newspaper owned jointly by The New York Times Company and The Washington Post Company.

The *IHT* has stopped printing articles critical of Singapore since it was hit with a libel suit by the country’s founding father, Lee Kuan Yew, along with Prime Minister Goh Chok Tong and Lee’s son, Deputy Prime Minister Lee Hsein Loong, over a fleeting reference in an editorial-page piece to “dynastic politics” in Singapore. In August, a Singapore judge awarded them \$678,000 in damages plus their legal fees.

Many countries have tried to control how they are portrayed in the media, and some, especially developing countries, have succeeded partially by muzzling their domestic press. But none has succeeded so well with the outside world’s media as Singapore, a tiny island nation of only 3 million people situated at the tail end of the Malaysian peninsula. Through

court cases, libel suits, restrictions on circulation, and limitations on reporters, the Singapore government has been able to intimidate some of the world's largest media organizations, which would never accept such restrictions on their home turf.

What alarmed many press observers in the West about the *IHT* case was that the newspaper, which has a worldwide circulation of 190,000 and prints 17,000 a day in Singapore, offered no defense against the libel charges and abjectly apologized. "I think it is scandalous" says Stephen Barnett, a law professor at the University of California at Berkeley. "I think the *IHT* should instead get out of Singapore. They need to consider their readers worldwide who get a compromised form of journalism."

A statement issued by the co-chairmen of the *IHT*, Katharine Graham of the *Post* and Arthur Ochs Sulzberger of the *Times*, said their newspapers had defended the principle of a free press on numerous occasions and that it is "ludicrous" to think they would set a different standard for a newspaper they own jointly. "But we publish in countries that have different laws and different standards and, on occasion, we face the kind of problems presented in Singapore," the statement continues. "We will work to resolve these problems in the context of free and responsible journalism."

The *IHT* libel case was the second attack on the paper by Singapore this year. In January, a Singapore judge held the paper's publisher and Asia editor in contempt of court for publishing an op-ed

piece by Christopher Lingle, an American academic then working at the National University of Singapore. Lingle had written that some Asian regimes, which he didn't name, rely "upon a compliant judiciary to bankrupt opposition politicians." The newspaper still faces a libel suit over this case, as well.

Readers in the West may wonder what all the fuss is about. Apart from the occasional diatribe by Safire, Singapore receives generally high marks in the Western media for its level of economic development and low corruption. But the government takes an entirely different perspective; in fact, Prime Minister Goh listed attacks by hostile Western media as the second gravest threat facing the nation in his annual National Day rally speech in August. The Western media

are considered important and potentially destabilizing in a country with a high level of literacy in English, one where, by comparison, the local press is openly pro-government.

Pressure on foreign publishers stepped up in 1986 when Singapore adopted a strict newspaper publishing law that gave the government the right not only to ban certain publications, such as *Playboy*, but to restrict the circulation of foreign-owned newspapers as economic punishment for unfavorable coverage.

Soon after the law was adopted *Time* magazine and *The Asian Wall Street Journal* had their circulations cut by 90 percent in Singapore — the *Journal*'s second most important market in Asia, *Time*'s fifth — for refusing to publish long-winded letters from the government replying to critical

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articles. Soon the government slashed the circulation of another Dow Jones publication, the *Far Eastern Economic Review*, from 9,000 to 500 copies a week — a cut that amounted to nearly a fifth of its total circulation — for not publishing a reply to coverage of the arrest of Catholic activists. When the *Review* announced that it was pulling out of Singapore as a result, the government printed a pirate edition of the magazine.

Dow Jones & Company finally reached a settlement with Singapore last year, and the circulations of both publications have been allowed to rise, although limits are still set by the government — currently 7,000 copies for *The Asian Wall Street Journal*. “We don’t consider ourselves back to normal,” says Urban C. Lehner, the editor of the

Hong Kong-based daily. “We’d prefer the market to set the circulation.”

Far Eastern Economic Review, meanwhile, has recently accepted a condition in which its Kuala Lumpur correspondent visits once a month.

“There are no two ways about it, the news media have been intimidated through their pocketbook,” says Francis T. Seow, a former solicitor general of Singapore now living in Boston. “They are now more wary about the sensitivities of the Singapore government.”

Charles P. Wallace
Wallace served until recently as the Southeast Asia correspondent for the Los Angeles Times. In May, he was told by the Singapore government that his work permit would not be renewed beyond February because several of his articles about Singapore “were not balanced or accurate.”

will the eagle still fly?

Late this summer, just as the New England hillsides were showing signs of their fall palette, *The Berkshire Eagle* of Pittsfield, Massachusetts ended 103 years of family ownership. It’s an oft-told tale: big corporate owner, in this case William Dean Singleton of MediaNews Group, buys small, family-run operation and takes ax to jobs and salaries. But those expecting a story about the tragic loss of family ownership at a proud paper can forget it. The old *Eagle* died after a long, and bitter, illness brought on by amazingly bad investments. Few mourned the departure of the

founding family.

For years, the *Eagle* enjoyed a great reputation. The 30,000-circulation broadsheet launched the careers of many journalists who remember the paper, and its long-time editor and publisher, Lawrence K. “Pete” Miller, with fond admiration. Benevolent paternalism reigned for decades, with stable profits supporting a large, well-paid staff. Until the sale, top scale for reporters was about \$42,000. *Eagle* journalists took pride in a tradition of integrity and thought of themselves as special, with a Pulitzer and other prizes to suggest that they were.

But a series of disastrous business decisions by the Miller family’s third-generation owners, headed by Michael G. Miller as president of Eagle Publishing Co., drove the company near



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bankruptcy by last December, when Miller announced that it was for sale.

Dozens of publishing companies looked at Eagle Publishing, whose other properties included *The Middletown Press* in Connecticut and the *Brattleboro Reformer* and *Bennington Banner* in Vermont. But the company's debt of more than \$30 million apparently scared away all suitors but one — Singleton, widely seen as a slash-and-burn publisher whose first (or only) priority is profit, the man who just this year pocketed a bundle by shutting down *The Houston Post*. (CJR, September/October.)

It was the end of an era at the *Eagle*, an end that many thought was premature. The *Eagle* has a loyal readership, is still profitable, and has no serious competition. The

problem, says Donald MacGillis, who was executive editor until last February and was let go after the sale, "is just a family making a number of catastrophically wrong decisions."

Two decisions proved fatal. In need of bigger quarters, Eagle Publishing bought a cavernous brick factory in Pittsfield called the Clock Tower and spent \$23.5 million restoring it, describing it as an investment in the city's future. But by the time it was completed in 1990, Pittsfield's economy was sleeping with the fishes. Except for the *Eagle*, the stunning building remains mostly empty.

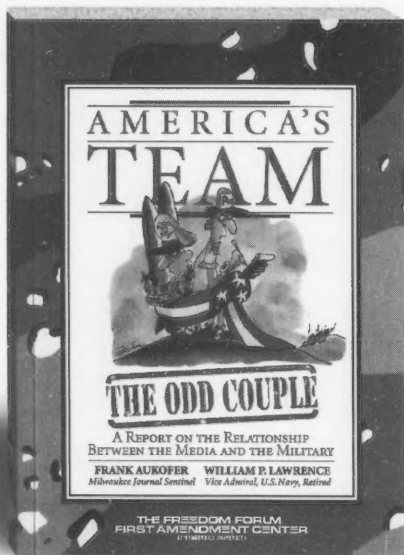
And then there was the purchase of the Middletown paper in 1991, the year Pete Miller died. It was losing money, and the Millers decided to convert it to a morning paper. But that

THE DEAL

Ninety minutes after William Dean Singleton officially bought Eagle Publishing Co. he sold part of it — *The Middletown Press* — to the Journal Register Company of Trenton, New Jersey, for what was reported to be "in the \$10 million range." Thus, depending on the payment terms of the two deals, it looks as if Singleton may have bought Eagle Publishing with little or no cash out of his pocket. This is because, according to documents obtained by the *Eagle*, the price was \$39.85 million, but most of the deal involved the transfer of debt. Here's a breakdown:

- \$20.5 million in bank debt, mostly relating to the purchase and restoration of the Clock Tower building.
- \$7 million in pension liability. The Miller family had apparently borrowed heavily from employee pension funds.
- \$3.76 million in debt to the D'Oench family, from whom the Millers bought *The Middletown Press* in 1991.
- Nearly \$1 million in "working capital deficit," apparently cash to pay bills.
- \$4.54 million to the Miller family as payment for a non-competition agreement.
- \$3 million cash at closing to the Millers.

S.J.S.



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locked it in a head-to-head battle with the much larger *Hartford Courant*. The *Press* drained millions more from the company.

Mark Miller, Michael's brother and the *Eagle's* long-time editor, describes the last few years of his family's stewardship of Eagle Publishing as "meltdown." Michael Miller refused to be interviewed for this article. But no one questions Mark's assessment.

The new reality emerged on August 8, the day after the announcement that Singleton would buy the paper. *Eagle* employees, regardless of rank or seniority, were directed to start interviewing for jobs with the new company. They were told that such details as salary and benefits — even what jobs they were applying for — would be supplied to them when the sale was completed at the end of the month.

On August 31, the staff got a stark lesson in the ethos of the bottom line. Once again, one by one, the paper's thirty-seven photographers, reporters, and editors were called into the office of David Scribner to learn their fate. Scribner, an old friend of Michael Miller's who had arrived from *The Middletown Press* in February, was the *Eagle's* new editor, although many in the newsroom still regarded him as an interloper.

The procedure was as efficient as it was gut-wrenching. First, people were told whether they had a job or not. If they did, Scribner handed them a piece of paper that described the basic terms and their new salaries, sometimes as an hourly rate. People were expected to read the paper and put their initials next to the words "accept" or "reject" on the

spot. There were virtually no negotiations. This was day one of the Singleton era.

In the end, six reporters and editors, including MacGillis and Gae Elfenbein, a co-president of the newspaper's union, the *Eagle News Association*, lost their jobs. Five others refused job offers. Those who remained were asked to accept pay cuts, most ranging from 20 percent to 37 percent. "It's a bloodbath," said Elfenbein.

The next day, readers of the *Eagle* found no information about the reductions in their morning paper, even though local radio stations and The Associated Press were reporting the news. Many people took this as a sign of life under Singleton.

But in another twist to the tale, Scribner told *CJR* he had been honoring a request from the Miller family, not

Singleton, although he never shared that fact with his staff. On the day after the sale was completed, readers and the staff were treated to a thorough front-page story by news editor Clarence Fanto based on documents he had obtained that week.

Singleton, meanwhile, claims he'll spend enough at the *Eagle* to keep quality up, and several reporters and editors, while skeptical, said they're willing to be convinced. Scribner, for his part, acknowledges that he faces a challenge in getting the staff to keep producing good work, but he insists he can do it, calling himself "a maverick" whose job is "liberating the *Eagle* from its hidebound arrogance."

Stephen J. Simurda
Simurda is a free-lance journalist living in western Massachusetts.

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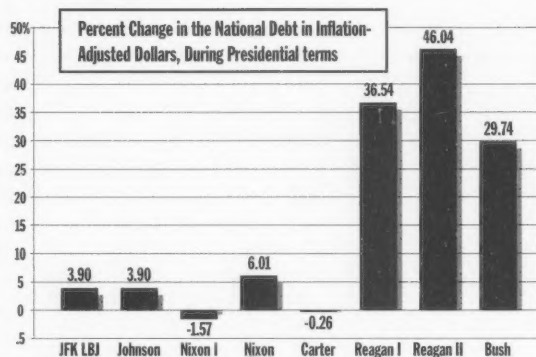


Taking Inflation Seriously

The first rule for comparing dollar numbers over time is to adjust them for inflation. But the rule is violated in the media more often than it is kept. It is violated so often, in fact, in small and large ways, that we hardly notice.

A small example: describing the dedication this summer of a \$350,000 sculpture, the *Portland Oregonian* wrote that the commission paid to the artist was "the highest commission paid for a piece of public art in Oregon, just edging out the \$348,000 paid" to another artist in 1982 for a different piece. But the "constant dollar," or inflation-adjusted, price for the 1982 piece is \$552,000. One larger example: many people know, and some complain about, the pay of members of Congress, which is mentioned now and then in news reports. Yet few of those reports point out that in inflation-adjusted 1995 dollars the pay of representatives and senators peaked in the late 1960s and is now some \$40,000 per year less than it was then.

Inflation-adjustment figures are not easily available, and can be complex to use, but the failure to do so leads to misleading stories and charts about subjects as varied as the rise of the price of postage stamps to the rise of Medicare and Medicaid spending. Adjusting for inflation can also challenge assumptions — for example, that the national debt has increased more or less steadily under each president since John F. Kennedy (see chart); that welfare payments to individual families are on the rise (they have fallen, slowly, in inflation-adjusted dollars, for at least twenty-five years); that *Jurassic Park*, at \$339 million in 1993, was our biggest blockbuster movie (in 1995 dollars it becomes \$359 million and is beaten by *E.T.*'s \$362 million [*E.T.* made \$228 million in 1982], *The Sound of Music*'s \$389 million [\$80 million in



1965], *Star Wars*'s \$490 million [\$194 million in 1977], and, still champion, *Gone With the Wind*'s \$869 million [\$79 million in 1939]).

Adjusting for inflation, with the proper tools, is not so difficult. The Consumer Price Index, calculated by determining price changes in a "market basket" of goods and services, recently has been challenged as somewhat overstating certain price changes. Still, it remains useful. The table on this page, constructed by "re-basing"

the CPI base year to 1995, provides numbers that allow easy conversion of dollars of any year since 1950 to 1995 dollars, so they are more readily comparable and so we can judge the amount of real change.

The table works this way: to convert dollar figures of any year to 1995 dollars, divide the dollar figure of that year by the conversion factor for that year. For example, to convert \$100,000 in 1960 to 1995 dollars, divide \$100,000 by .193, resulting in a figure of \$518,135. Given the number of significant digits in the CPI, that six-digit number is overly precise. It should be rounded to \$518,000.

The author will make regularly updated factors, starting with the year 1800, available on the World Wide Web at:

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Or send a self-addressed envelope to him at the Political Science Department at Oregon State University, Corvallis, Oregon 97331-6206.

— Robert Sahr

Sahr teaches courses in politics and media, public opinion, and American politics at Oregon State, where he is an associate professor.

INFLATION CONVERSION FACTORS

To convert dollar figures from a given year to 1995 dollars, divide the dollar figure by the conversion factor (CF) for that year.

Year	CF	Year	CF	Year	CF	Year	CF	Year	CF
1950	0.157	1959	0.190	1968	0.227	1977	0.396	1986	0.716
1951	0.170	1960	0.193	1969	0.240	1978	0.426	1987	0.742
1952	0.173	1961	0.195	1970	0.253	1979	0.474	1988	0.773
1953	0.174	1962	0.197	1971	0.265	1980	0.538	1989	0.810
1954	0.176	1963	0.200	1972	0.273	1981	0.594	1990	0.854
1955	0.175	1964	0.202	1973	0.290	1982	0.630	1991	0.890
1956	0.178	1965	0.206	1974	0.322	1983	0.651	1992	0.916
1957	0.184	1966	0.212	1975	0.351	1984	0.679	1993	0.944
1958	0.189	1967	0.218	1976	0.372	1985	0.703	1994	0.968
								1995	1.000

Note: Conversion factors were calculated by "re-basing" earlier data, by dividing by an estimated 1995 CPI (153.1); this uses the 1994 CPI (148.2) and assumes 3.3% inflation during 1995 (1995 inflation probably will not be exactly 3.3%, so conversion factors are careful estimates).

Darts & Laurels

◆ **DART** to *The Philadelphia Inquirer*, *The New York Times*, the *Chicago Tribune*, the *Los Angeles Times*, and the *San Francisco Chronicle*, for helping a mighty giant secretly cast a spell. Enfolded within their many Sunday sections was a four-color, sixteen-page "Fall Television Preview" featuring, as the cover line put it, "Our Picks for Action! Comedy! Talk! Kids!" Without any indication of exactly just whose "picks" they were, readers might well have concluded that the recommendations — which included shows scheduled to run on ABC, CBS, NBC, and Fox — represented the trusted judgment of their favorite Sunday paper; only the more knowing (or perhaps the more cynical) might have guessed that the company behind the section was one and the same as the company behind each and every one of the promoted programs and that — as research has revealed — the magic word was Disney. The section was titled, with no apparent irony, "Behind the Screen."

◆ **DART** to *The Boston Globe* and art critic Christine Temin, for less than museum-quality journalism. As a favor to the city's Museum of Fine Arts, Temin made a trip to New York, passed herself off at a Sotheby's auction as a wealthy private collector, and, following the instructions of MFA curator Rita Freed, bid on two Nubian antiquities that Freed hoped to acquire at prices more affordable than what they would fetch if her institutional interest were known. Although Temin was outbid on both objects by, as it turned out, an American museum and a German museum — neither of which apparently felt the need to enlist the aid of a front — the trip was not without some compensation for both the journalist and her source. In an artful page one feature in the Sunday *Globe's* arts section (July 2) Temin recounted her adventures as a Sotheby's "plant," then moved on to a highly flattering portrait of the "loyal" . . . "clever" . . . "enthusiastic" . . . "top-notch" . . . "charming" Freed.

◆ **LAUREL** to the *Atlanta Business Chronicle* and staff writer Carey Gillam, for delivering the news about a locally headquartered business without the usual bubble-wrap. After a routine inquiry into the death of Ken Martin, a United Parcel Service driver crushed against a loading dock by a backing-up truck that gave no warning, Gillam went on to analyze federal inspection records and interview UPS workers,

union leaders, company officials, and safety regulators. Packed with solid data (the millions of dollars paid out each year in penalties and settlements of an ever-rising number of OSHA violations by a company whose revenues come close to \$20 billion a year), as well as with personal testimony ("They're always there, pushing, pushing, pushing," workers are quoted as saying, referring to the speed and productivity requirements set for almost every motion), Gillam's report (August 4-10) concluded that, far from being an isolated incident, "what happened to Martin was one of thousands of injuries and fatalities that have paralleled UPS's corporate drive to be the biggest, best — and fastest — delivery service in the world." Irony added considerable weight to Gillam's case: the carefully handled, good-citizen image of UPS — anointed by *Fortune* as one of America's "most admired companies," honored with the job of delivering the official Olympic invitations around the world, chaired by the man who heads Atlanta's United Way — stacked beside the company's ferocious fight, through lobbyists and political contributions, against federal efforts to develop standards to protect the health and safety of its people.

◆ **DART** to *The Seattle Times*, for trading its journalistic birthright for a scoop of potage. Upon learning in May that the board of regents of the University of Washington had been holding secret discussions on the replacement of UW's retiring president, the *Times* marched off to court, seeking a ruling that the board be prevented from voting on, or selecting, ranking, or committing to any candidate in closed executive session; the lawsuit further asked that the board be held in violation of the state's Open Public Meetings Act — an act, after all, as editor Michael Fancher reminded his readers in a June 4 editorial, "which exists to let the people scrutinize their government." That lofty free-speech litany, however, was not without its limits: on June 9, one of the regents revealed that the *Times* had offered to back off the suit if the university would release to the paper the list of finalists' names twenty-four hours before announcing it to the public.

◆ **DART** to the *San Diego Business Journal* and publisher Ted Owen, for a journalistic version of ethnic cleansing. Offended by the appearance on the

cover of the Small Business supplement in its September 4 issue of three Chaldean-Americans who, like thousands of their fellow Chaldeans from Iraq, successfully operate grocery, liquor, and convenience stores in the San Diego area, Owen — a retired marine who served in Vietnam — issued an order to the newsroom troops: no more “un-American” photos of Iraqis, Iranians, or Vietnamese on the cover of the publication. In response, Ellen Holzman, the special projects editor responsible for the supplement, resigned, explaining in a letter to editor Martin Hill that “this policy is chauvinistic, jingoistic, and racially discriminatory. . . . I cannot be a part of a newsroom where such policies exist.” (On September 11, in the wake of local media coverage and local business outrage, Owen reversed the ban.)

◆ **LAUREL** to *Artnews* magazine, for its strong and steady hand in drawing the world’s attention to a most unpretty picture. Since December 1984, when in a 20,000-word investigative piece contributing editor Andrew Decker brought to light Austria’s shameful maneuverings in avoiding the return of thousands of officially “heirless” works of art stolen from Holocaust victims by the Nazis in World War II, *Artnews* has kept its focus on the subject, and in September 1995 had the gratifying pleasure of reporting that the Austrians had at last agreed to turn over some 8,000 paintings, sculptures, and other objects to the Jewish Community of Vienna, which later this year will organize an auction and distribute the proceeds to various charities. A statement issued in August by the World Jewish Congress put the magazine’s contribution in a proper frame: “The pioneering work done by *Artnews* magazine . . . during the 1980s gave the World Jewish Congress the moral claim to continue the struggle for Jewish cultural and aesthetic wealth stored in Mauerbach, Austria, and for other such treasures illegally converted from their Jewish owners to museums and government institutions in Central and Eastern Europe.”

◆ **DART** to *The Detroit News* and the *Detroit Free Press*, for strikingly tilted news. After negotiations between the papers and their workers collapsed in July and reporters, pressmen, and drivers walked out (see page 13), readers might have expected that the papers would cover the bitter dispute with the same fairness and balance given to previous hometown labor issues, such as those involving the United Auto Workers and the Big Three in Detroit. What readers got instead, however, were daily bundles of stories, editorials, columns, photos, and ads pushing the management line. Three sample headlines: STRIKERS LOSING READERS’ RESPECT; DETROIT NEWSPAPER PRESIDENT: ‘I TRY TO BE A STRAIGHT SHOOTER’; COLUMNIST TO UNIONS: ADAPT OR DIE. (Needless to say, reports on the

threat to hire replacement workers did not include reminders of the *Free Press*’s earlier position on that subject, eloquently argued in editorials on June 24, 1994 — STRIKING WORKERS’ PROTECTION BILL DESERVES THE SENATE’S ACTIVE SUPPORT — and on February 20, 1995 — SCAB BALL.) Fortunately, less self-serving coverage was available on local TV, most notably on WXYZ — a lesson not likely to be forgotten by newshungry Detroit when the strike finally comes to an end.

◆ **LAUREL** to Cleveland’s alternative weekly, *Free Times*, and media critic Roldo Bartimole, for illuminating the bumpy road taken by a certain story, including a major detour. Drawing on newsroom sources developed over his twenty-five-year career pointing out potholes in *The Plain Dealer*’s coverage, Bartimole’s May 24 *Free Times* column retraced the course of an exclusive story that appeared on the *Pee Dee*’s front page of Sunday, April 23, conspicuously without a byline. The byline, Bartimole revealed, had been removed at the request of transportation writer Bill Sammon upon learning that his story — which reported on a \$1 billion plan for new construction by the Ohio Turnpike Commission — had been changed to remove from the lead the negative news that the plan would require an 80 percent increase in turnpike tolls. The rewrite, sources suggested, had been sparked by the need to avoid a collision between the publisher and his first cousin, who happens to be the turnpike commission’s coordinator for construction. Amusingly enough, however, the attempted censorship, as Bartimole called it, backfired; since nobody mentioned the shift to the writer of the headline, it stayed close on the tail of the original lead, to wit: TURNPIKE TOLLS RISE 80 PERCENT TO FUND 3RD LANE, PLAZAS. What’s more, Bartimole gleefully noted, the version distributed around the state by The Associated Press, which had picked up the *Pee Dee*’s exclusive story, correctly put in its lead that 80 percent fact, thus forcing the paper to deal with it head-on.

◆ **DART** to the Torrington, Connecticut, *Register Citizen*, for half-baked journalism. The editors had the crust to turn over all eighty-four column-inches of the June 1 food page to a feature that seemed to be about the picking, storing, and cooking of strawberries — but that in fact was a concoction, as the flaky byline noted, of King Arthur Flour, folding in advice from a King Arthur Flour baker, decorated with a photo of a King Arthur Flour pie, and dishing out recipes that, along with the berries, called specifically for King Arthur white, unbleached, whole wheat, stone-ground, all-purpose, and/or multi-purpose flour.

This column is compiled and written by Gloria Cooper, CJR’s managing editor, to whom nominations should be addressed.



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Smoking Guns: ABC, Philip Morris, and the **Infamous APOLOGY**

by Steve Weinberg

When ABC News apologized to Philip Morris last August for an award-winning 1994 *Day One* investigation called "Smoke Screen," about the manipulation of nicotine in cigarettes, most journalists were stunned.

For sixteen months, ABC had been defending the newsmagazine vigorously in court, at a cost of several million dollars in legal fees. Its producer and on-air correspondent insisted the story was accurate. Its outside lawyers expected a court victory. What happened?

Commentators posited a simple, cynical answer: with ABC News, already subsumed by a huge, cost-conscious corporate parent, about to become part of the even huger Disney entertainment empire, the logical impulse was to close the books on this case.

The tobacco company's response to the settlement — which included an apology for some elements of the

show but also reiterated ABC's support for others (see page 31) — was to blanket the country with full-page advertisements headlined "Apology Accepted."

The settlement is momentous for several reasons. For one, a top-notch news organization was damaged and journalists everywhere have suffered loss of credibility. In addition, investigative reporting may well have been undermined because of plaintiff tactics and judicial rulings during the pretrial phase. The most far-reaching fallout involves two kinds of protection: a reporter's ability to get information by protecting confidential sources and a company's ability to restrict information by protecting internal documents from the public. Furthermore, the hush orders imposed on human sources from both sides have left legacies that will

Free-lance writer Steve Weinberg, a CJR contributing editor and former executive director of Investigative Reporters & Editors, wrote The Reporter's Handbook: An Investigator's Guide to Documents and Techniques. He was a libel defendant in a case involving his unauthorized biography of Armand Hammer.

hamstring future investigations of a story with serious national health policy implications.

This is the story of:

Who the journalists were that *Day One* sent on its year-long investigation of nicotine;

Why Philip Morris, the nation's largest tobacco company, sued for libel despite being mentioned only superficially — then pursued ABC with unprecedented aggressiveness at a cost of approximately \$1 million per month;

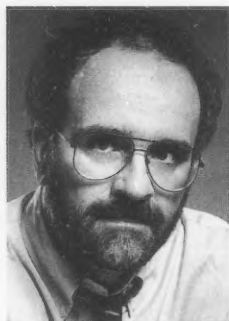
What exactly ABC apologized for, and how damaging the apology is to the network and the credibility of the profession;

When ABC News's corporate parent decided to freeze out its hand-picked litigation specialists and apologize.

The chronological account that follows is based on four months of research, beginning eleven weeks before the self-imposed silence agreed to in the settlement, and continuing for five weeks after the clampdown.

THE JOURNALIST

Eight years ago, after exposing unregulated medical laboratories in *The Wall Street Journal*, Walt Bogdanich won the Pulitzer Prize.



Pulitzer Prize-winning journalist Walt Bogdanich had just switched from print to TV

Deficient laboratories became part of Bogdanich's 1991 book *The Great White Lie: Dishonesty, Waste and Incompetence in the Medical Community*. The book contains twenty-seven pages of source notes and no anonymous sources.

Then in late 1992 Bogdanich decided to try television. ABC's newsmagazine *Day One* hired him to find topics to investigate that would work on television, with its demand for visuals. It was quite a switch from *The Wall Street Journal*, which does not even use photographs.

Building on his track record in covering health care, Bogdanich started pulling together information about the effects of nicotine. "Secret Sickness," about poisoning among tobacco field workers, appeared on November 22, 1993, with news veteran John Martin as on-air correspondent. Tobacco field workers, medical researchers, hospital staff, government regulators, and an industry official appear, on the record, testifying to the toxicity of nicotine.

The November 22 piece never became part of Philip Morris's lawsuit. In fact, media coverage of the Philip Morris-ABC controversy scarcely mentions the segment. That is significant, because when the *Day One* coverage is looked at as a whole — as Bogdanich, whose credit is "producer," intended — the portions of parts two and three later alleged by Philip Morris to be libelous take on new context. They come across as a small part of the big picture about nicotine — from field to transport to factory to retail outlet to smokers.

"Smoke Screen," the second piece, aired three months

later, on February 28, 1994. It grew out of a conversation about fifteen months earlier between Bogdanich and Clifford Douglas, a lawyer turned anti-tobacco advocate.

According to Bogdanich's sworn affidavit in the eventual lawsuit, Douglas "told me he believed that cigarettes are addictive because cigarette manufacturers deliberately manipulate and control nicotine levels in them. Mr. Douglas said that nicotine, a substance found naturally in tobacco leaves, was removed from tobacco during the manufacturing process, but was later artificially added back to the tobacco. Mr. Douglas said there was evidence to support this conclusion in tobacco industry literature and patents. . . . He also said that he had a tobacco industry source who was . . . familiar with these manufacturing practices. He did not then identify this person."

The source would become known as Deep Cough.

THE INVESTIGATION

The newsmagazine had made an unusual decision — that the nicotine investigation was worth a year's investment of personnel and resources. According to his affidavit, Bogdanich and associate producer Keith Summa "began our investigation by conducting an extensive review of industry literature. We read books about cigarette manufacturing, tobacco trade journals, scientific articles, and newspaper stories."

They interviewed political decisionmakers, scientists, and tobacco industry suppliers, reviewed patents held by cigarette manufacturers and arranged for independent laboratory tests of tobacco. Summa attended a national conference on nicotine in Atlanta. Another ABC News employee attended an international trade show in Moscow.

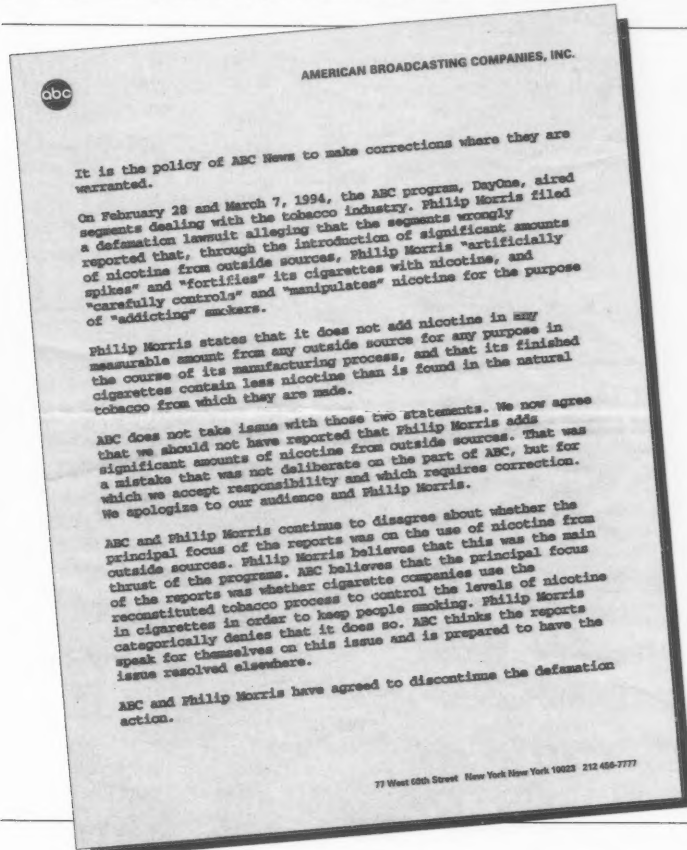
Bogdanich ultimately became convinced that Douglas's allegations were not the ravings of a fanatical advocate. "The tobacco industry literature we found and read . . . described the industry's intent and ability to manipulate and control the nicotine content of cigarettes to satisfy this consumer demand for nicotine. As the literature described, one linchpin of this effort is the industry's common use of reconstituted tobacco."

Understanding reconstituted tobacco is essential to following the lawsuit. Cigarette companies, it turns out, do not simply harvest whole tobacco leaves and stick them inside rolled paper; stems and small pieces of the leaf itself that break off during the stemming process are reconfigured into tobacco sheets — through a process used for making paper — that are then used in the manufacturing of cigarettes. In the process, solubles, including nicotine, must be removed from the tobacco bits by dissolving them in water. Some of the solubles, including nicotine, are added back later.

What struck Bogdanich about all this was the implication that nicotine could be removed from tobacco. "I considered it highly newsworthy that cigarette manufacturers did not have to return the nicotine to the newly manufactured, or 'reconstituted' tobacco," Bogdanich's affidavit continues. "I believed that the option of whether to add — or not to add — nicotine to this paper was particularly significant because it suggested that cigarette manufacturers were unnecessarily and purposefully adding to cigarettes a substance that the U.S. Surgeon General and other health officials had concluded was powerfully addictive. I also believed such conduct could provide the

Apology accepted.

The ABC television network has issued the following correction and apology to Philip Morris concerning last year's DayOne broadcasts, which alleged that tobacco companies are "spiking" their cigarettes with significant amounts of nicotine from outside sources:



Philip Morris turned the ABC apology letter into an ad (reproduced in part above) that ran in approximately 700 publications

basis for government regulation of the manufacture and sale of cigarettes in the United States and abroad, thereby significantly affecting a very powerful industry."

Reconstituted tobacco became Bogdanich's focal point for the segment. Additionally, he learned about ingredients supplied by outside companies, the area that would become Philip Morris's focal point in its suit. By reading documents and interviewing on-the-record sources, Bogdanich says he and Summa "discovered that numerous companies sell tobacco extract containing nicotine to cigarette companies, manufacturers of reconstituted tobacco, and manufacturers of tobacco flavorings." A source at Kimberly-Clark, a maker of reconstituted tobacco, told

Bogdanich that her company removes nicotine and adds it back "depending on the customer's need."

Bogdanich never became expert, though, about specific manufacturing processes at Philip Morris; at no point, he says, did he conceive "Smoke Screen" as an exposé of Philip Morris.

ENTER "DEEP COUGH"

The person who turned out to be the most controversial Day One source — Clifford Douglas's contact — had been a manager at R.J. Reynolds.

"For almost nine months, I didn't even know our source's name," Bogdanich said in his affidavit. "It took me another three



Philip Morris hired Herbert Wachtell, known as one of the country's most aggressive litigators

months to get [the source] on the phone. Finally . . . Keith Summa and I met [the source] . . . We interviewed [the source] for six hours and came away very confi-

dent of [the source's] truthfulness."

Bogdanich felt even more confident after talking to a Food and Drug Administration investigator who also had interviewed Deep Cough. Because he had covered the FDA at *The Wall Street Journal*, Bogdanich felt he knew whom he could trust at the agency. The FDA source told Bogdanich that Deep Cough's information checked out.

So, on January 23, 1994, Bogdanich and Summa interviewed the source again, this time on tape.

"The . . . source told us that RJR routinely uses reconstituted tobacco to manipulate nicotine levels in cigarettes in order 'to keep the consumer happy,'" Bogdanich said. ". . . This information was entirely consistent with what we had already learned from many other sources. . . . Indeed, we had multiple sources of corroboration for every single piece of information that our confidential RJR source gave us that we used."

As the air date approached, nobody at ABC questioned any part of the show. In depositions, Bogdanich's superiors come across as confident about the segment's accuracy — including Deep Cough's information — because of their trust in the Pulitzer Prize-winner.

Thomas G. Yellin, the top decisionmaker at *Day One*, said under oath, "I was satisfied based on my experience with Walt and what he told me about the source that the source was A, legitimate and understood what it was they were speaking about, and B, didn't have a particular ax to grind with respect to RJR or other tobacco companies."

THE TOBACCO COMPANIES

With documents in hand and Deep Cough's taping completed, Bogdanich approached tobacco companies. He wrote Peggy Carter, an R.J. Reynolds public affairs official, asking to interview a scientist and a corporate policymaker of the company's choosing. The letter said, "We'd like to explore your corporate philosophy about nicotine. Included in that discussion would be a look at your reaction to [the] surgeon general; are you really setting out to addict smokers everywhere; high-nicotine versus low-nicotine cigarettes. . . . Basically, does the public have any reason to fear nicotine in RJR products?"

Pleased about the opportunity to respond, RJR agreed; but also wary, Carter made an agreement with Bogdanich that she could terminate the interview if questions strayed to topics not agreed upon.

The interview almost did terminate when Martin asked

an RJR scientist, "Why are you artificially spiking your cigarettes with nicotine?" In a memo to Martin before the interview, Bogdanich had written, "I think this sudden, out-of-nowhere question is the best way to shake them and get a denial, which is what we want, because then we can tick off our evidence." Even though Carter believed the question had violated the agreement, she allowed the scientist to answer rather than make it appear RJR had stonewalled by walking out with the tape rolling. At the end of the day, Bogdanich knew he had footage he could use to support his theme.

After talking with Peggy Carter, Victor Han, her counterpart at Philip Morris, worried about providing sources from his company, but he did not express his concern to ABC right away. Suspecting stonewalling, and with his air date approaching, Bogdanich took the unusual step of supplying specific questions that addressed points he was raising in the segment. Did Philip Morris treat reconstituted tobacco with tobacco extract? Did the company use alcohol denatured with significant amounts of nicotine? What about a 1972 internal memo from a Philip Morris scientist characterizing the cigarette as a "dispenser for a dose unit of nicotine?"

Within Philip Morris, discussions began about whether and how to reply to the questions. Han helped draft detailed answers. But he and other Philip Morris executives decided to keep those detailed answers to themselves.

Instead, Bogdanich received a two-paragraph statement three days before the show's air date. The key sentence read, "Nothing done in the processing of tobacco or manufacture of cigarettes by Philip Morris increases the nicotine in the tobacco blend above what is naturally found in the tobacco." Because "Smoke Screen" never made an allegation of larger-than-natural nicotine levels, and because, Bogdanich felt, according to his affidavit, the complete Philip Morris statement largely ignored his real questions, he considered it "non-responsive."

AIRING "SMOKE SCREEN"

With the Deep Cough interview bolstering what the *Day One* staff considered an already strong segment, it looked like ABC had a blockbuster. Then, the Friday before air date, the U.S. Food and Drug Administration lent further urgency to ABC's story. The FDA commissioner issued a statement saying that because manufacturers appear to manipulate nicotine levels in cigarettes, perhaps nicotine should be regulated as a drug. Two sentences in the FDA letter had special resonance for Bogdanich. One cited "mounting evidence . . . that (1) the nicotine ingredient in cigarettes is a powerfully addictive agent and (2) cigarette vendors control the levels of nicotine that satisfy this addiction."

"We . . . are providing a legal product to people who are looking for a pleasing sensory experience with mild pharmacology"

The other said "it is our understanding that manufacturers commonly add nicotine to cigarettes to deliver specific amounts of nicotine." The same FDA source who had attested to Deep Cough's credibility told Bogdanich that the word "add" in the commissioner's statement encompassed cigarette manufacturers buying tobacco extract from outside sources. No longer was *Day One's* project largely a public relations problem for Philip Morris; rather, it might lead to stricter government regulation of the whole industry.

Because of the FDA statement, Bogdanich and Martin added some last-minute lines to the segment:

"How tobacco companies manipulate nicotine and their reluctance to take it out strongly suggests that they want smokers to get nicotine, and they want them to get it in controlled doses. Several months ago, when we tried to get a reaction about all this from the Food and Drug Administration, the agency declined comment, but immediately sent out investigators to look into the matter on their own. Then, learning of our *Day One* broadcast tonight, the FDA sent this letter on Friday . . ."

The segment as aired ran eighteen minutes. Bogdanich considered Deep Cough a bit player alongside twelve clearly identified sources. Deep Cough appears in three snippets, voice disguised, wearing a baggy sweatshirt and a billed cap over a silhouetted face. In the "first, Deep Cough says, "On the average, the currently marketed brands contain about twenty-two percent reconstituted tobacco. The cut-rate or generic brands typically contain usually about double that."

Next, Deep Cough responds to the question "They're fortifying the product with nicotine, is that correct?" by saying "The waste filler, yes, they are."

In the final snippet, Deep Cough responds to the question "In commercially sold cigarettes, what percentage of tobacco extract is nicotine?" by answering, "That really depends on what level the process calls for. In other words, I can say to you 'I want it at one percent, I want it at five percent, I want it at ten percent, I want it at fifty percent.'"

But it was RJR's hand-picked scientist who, Bogdanich felt, really made *Day One's* case. After denying the assertion that RJR was artificially "spiking" its cigarettes with nicotine, the scientist says, "I think any company involved in the manufacture of tobacco, and whose consumers are demanding a wide range of tar and nicotine products, they have blending and reconstituted tobacco techniques for reaching those . . ."

Later, in response to Martin's assertion that tobacco companies could eliminate nicotine from cigarettes, he says, "Well, as scientists and engineers here in R&D, I think that that could be done. But I think the real issue here is, is that we, as a company, are providing a legal product to people who are looking for a pleasing sensory experience with mild pharmacology."

THE REACTION

The response to the show from the tobacco companies was predictably outraged, challenging many of the sources and charges.

The one assertion that ABC now concedes it could not support — made several times in the "Smoke Screen" segment — was that tobacco companies "add significant amounts of nicotine from outside sources." "Outside sources" is the key phrase here.

Only one of the passages for which corporate ABC admitted error mentions Philip Morris by name. Martin is speaking:

"There's another way nicotine is added to cigarettes, and it begins, perhaps surprisingly, at docks like this one in Newark, New Jersey. It is here that nearly pure nicotine is brought ashore to be combined with alcohol. It's called denaturing. The mixture can then be applied to tobacco during the manufacturing process for, among other things, flavoring. As these trucking records show, Philip Morris, for example, received thousands of gallons of this alcohol mixture during the 1980s. The cigarette makers say this mixture leaves only a tiny amount of nicotine on the tobacco. Still, any kind of nicotine manipulation disturbs critics like Cliff Douglas . . ."

Philip Morris found the example misleading in the extreme. The facts, according to Philip Morris, are that the amount of nicotine attributable to the use of denatured alcohol represented 1/7000 of the nicotine in one of its brands, "a trace amount which is so small as not even to be measurable by standard analytical methods . . . the use of denatured alcohol as a flavor solvent does not remotely constitute the 'spiking,' 'fortifying,' or 'manipulation' of the nicotine content of the cigarettes."

Despite the controversy raging around the February 28, 1994, show, *Day One* followed with another segment a week later. "Smoke Screen, Part Two" focused on a list of 700 cigarette ingredients supplied to the federal government by tobacco companies that includes thirteen substances banned in food. A source told Bogdanich that nicotine sulfate and tobacco extract both appeared on the list. The "trade secrets" were so secret that the U.S. Office of Smoking and Health stored the list in a specially designed combination safe within a locked room. The former director of the agency told ABC News he was unsure if he could have legally shared the list with the president of the United States.

Although Philip Morris includes brief portions of "Smoke Screen, Part Two" in its lawsuit, not once is Philip Morris mentioned by name on the air.

The *Day One* nicotine coverage won a George Polk award from Long Island University; "Smoke Screen" was also part of an ABC entry that won a DuPont/Columbia University award.



Stephen Sachs, one of ABC's litigators — who weren't told of the settlement until the last minute

THE LAWSUIT

Seventeen days after the final segment aired, and one day before congressional hearings spawned in part by the *Day*

One findings, Philip Morris sued ABC in the circuit court for the city of Richmond, Virginia. (Eleven months later R.J. Reynolds also sued.)

Journalists who complain their exposés never change anything must have derived a sort of pleasure from Philip Morris's version of the broadcast's impact:

"The national networks and press accepted as true *Day One*'s supposed 'revelation' that the tobacco industry 'spikes' its cigarettes with extra nicotine and repeated these charges virtually daily. In what can only be described as a public frenzy, reporters, the public, government regulators, and congressmen, 'astonished' and 'shocked' by *Day One*'s 'revelation,' called for governmental and congressional investigation and possible new regulation. Even the president of the United States was misled and stated on an ABC . . . program, '[T]hat really bothered me when I heard that more nicotine was going in to make sure that people were hooked.' And the stock of . . . Philip Morris . . . and other companies having businesses engaged in the tobacco industry fell dramatically. . . ."

Philip Morris suggested a motive behind the airing of "Smoke Screen," commenting that "*Day One* has not been a successful program; its ratings have been deteriorating."

Philip Morris's lawsuit certainly got the attention of headline writers and wire editors with its \$10 billion demand — \$5 billion in compensatory damages and \$5 billion in punitive damages. What many of those headline writers and wire editors failed to explain, however, is that Virginia law limits punitive damage awards to \$350,000 and that the largest libel award ever upheld in court was less than 1 percent of Philip Morris's demand.

At ABC, newsmen saw what they perceived as an immediate chilling effect. The day Philip Morris filed the lawsuit, independent producers Martin and Frank Koughan were notified by a producer at ABC's program *Turning Point* that their documentary on the tobacco industry's advertising tactics and production transfers to overseas sites was being shelved, despite the outlay of approximately \$500,000. Philip Morris is mentioned prominently in the documentary.

When the Koughan controversy became public three weeks after the filing of the Philip Morris lawsuit, news executives said the shelving was unrelated to the lawsuit, that the documentary, considered compelling by some who saw it, contained too much boring material.

Many libel plaintiffs sue to make an initial splash in the headlines and perhaps chill other investigators, then do little to pursue their case. Not Philip Morris; it committed resources of approximately \$1 million a month over a sixteen-month span. Rather than rely entirely on in-house lawyers, the company retained two gigantic law firms, one in New York City, the other in Richmond. ABC responded by hiring its own gigantic law firms in Washington, D.C., and Richmond, giving no indication it would pursue its defense half-heartedly or eventually settle.

THE STRATEGY

Early on, a problem emerged that has bedeviled journalists for decades: litigants (in this case, mostly Philip Morris) that use public courts but convince judges that documents should be sealed from public view. Sealed documents in a public court recently led to a judge's suppressing an article before *Business Week* magazine could get it into print. The article contained information from sealed documents.

When ABC requested documents, they often arrived marked with trade secret designations. (The boilerplate legal language says, "Trade secret — produced by Philip Morris — subject to a court order. . . . This document and its contents shall not be used, shown or distributed except as provided in the court's order.")

The trade secrets order even excluded Bogdanich, a named defendant, from seeing documents produced by Philip Morris that might help his defense. And when ABC filed a memorandum meant to convince the judge to throw out the lawsuit on summary judgment, that memorandum cited documents designated by Philip Morris as secret. As a result, the memorandum was unavailable to the public.

Roger Witten, who along with Stephen Sachs represented ABC, argued, "What ABC had done and the way it reported the story, aside from the confidential sources, has all been produced. Everything except the lawyering. Everything is out there. You can admire or second-guess everything about the way ABC reported the story. [But] everything we have discovered about what [Philip Morris] does is marked a trade secret."

All the secrecy could not protect Philip Morris from occasional unpleasant disclosures about its manufacturing process. For example, the judge publicly disputed the tobacco company's contention that ABC had misrepresented the cigarette manufacturing process by talking about "adding" nicotine.

Philip Morris's own documentation "undercuts its argument that 'we simply don't add nicotine,'" Judge Theodore Markow ruled. "It does add nicotine that could be left out."

Given such setbacks, Philip Morris hired Michael York, a

In an effort to track down Deep Cough, Philip Morris subpoenaed Bogdanich's credit card, telephone, and travel records

Washington, D.C., lawyer whose specialty was media law, but who had another attractive credential. Like Bogdanich, he had won a Pulitzer Prize for investigative journalism. His unusual access to former colleagues certainly played a role in media coverage of the lawsuit.

After graduating from law school in 1978, he spent eight years at the *Lexington Herald-Leader*, where he and another reporter won a 1986 Pulitzer for exposing corruption within the University of Kentucky athletic program. In 1987, York moved to *The Washington Post*.

In early 1994, soon after he returned to the law, he received an "unexpected feeler" on behalf of Philip Morris. He was "predictably hostile" at first, he says. But as he examined the evidence, "I overcame my self-imposed biases."

York says he developed some new convictions, too: that many television newsmagazines much of the time are ratings-hungry shows filled with hype masquerading as investigative reporting; and that some journalists have a "jihad" mentality about tobacco.

From the start, *The Wall Street Journal* coverage was different from York's stereotype. The *Journal* often publishes articles that are tough on the tobacco industry, as evidenced by its October 18 front-page exposé of ammonia use, allegedly to enhance nicotine delivery. But Bogdanich has complained that his former employer's coverage distorted the story of the litigation. Perhaps the most influential story during the entire controversy appeared on page one May 23, 1995. The four-deck headline read TAR WARS/PHILIP MORRIS IS PUTTING TV JOURNALISM ON TRIAL IN ITS SUIT AGAINST ABC/FIRST ROUNDS IN MASSIVE CASE FEATURE ANGRY LAWYERS AND SURPRISING DETAILS/WHO IS GUILTY OF SPIKING?

The *Journal* story refocused the issue away from Philip Morris and the question of libel and toward the practices of ABC News. One anecdote that was picked up in subsequent stories reads:

"The Philip Morris contingent hopes to point out what they believe are vulnerabilities in *Day One*'s reporting. They point to an outtake . . . of a key confidential source. . . . In the clip, Deep Cough tells an ABC producer who asked about 'boosting' nicotine levels: 'Now see, I wouldn't say boosting. They're just trying to bring up the level of nicotine to a consistent level from year-in to year-out.'"

The *Journal* never reported, however, that elsewhere in the outtakes Deep Cough used words as strong or stronger than "boost."

The *Journal* article also emphasized the tobacco company's contention about the centrality of Deep Cough to the litigation. As Philip Morris commented elsewhere: "By disguising her in bulky clothing, presenting her in darkened silhouette, and distorting her voice, ABC gave 'Deep Cough's' state-

ments the aura of an insider's revelation. . . . Without 'Deep Cough,' ABC's spiking accusation would have no appearance of substantiation. . . . ABC was acutely aware that without 'Deep Cough,' its *Day One* 'exposé' would have been Deep Yawn." The *Journal* — like Philip Morris — played down the independent evidence that corroborates Deep Cough's statements. Asserting that Deep Cough had damaged the industry, Philip Morris wanted to learn that source's identity.

THE SEARCH FOR DEEP COUGH

A public-figure plaintiff who believes a libel has occurred must prove falsity, reckless disregard for truth, and malice. It is obviously more difficult to gather such proof when accusers are unknown. Given its pique, its financial resources, and the stakes involved for an entire industry, Philip Morris would go further than any previous libel plaintiff in trying to strip away confidentiality.

In an effort to track the source through the reporters' movements, Philip Morris sent subpoenas to companies otherwise uninvolved in the litigation — American Express, Citibank, AT&T, Cellular One, Sprint, MCI, Bell Atlantic, NYNEX, Hertz, USAir, United Airlines, Continental Airlines, and Adam's Mark Hotels chain — requesting airline, automobile rental, hotel, credit card, and telephone records of Bogdanich and Summa for January 1994, the month Philip Morris believes the producers met with Deep Cough.

ABC lawyers immediately protested to the judge, arguing that disclosure of such records would invalidate constitutional protections for journalists: "In this modern world, reporters cannot gather news from across the nation without making telephone calls, boarding airplanes, renting cars, staying in hotels, and using credit cards. A reporter's privilege that provides reliable protection only where reporters gather news on foot and by word-of-mouth would be no privilege at all."

Philip Morris's litigator, Herbert Wachtell, responded, "When we issued these subpoenas, maybe we were naive. The last thing in the world that we thought was that we were unleashing some major First Amendment constitutional controversy. . . . We scratched our head and said 'Well, gee, how can we do this so we don't have to go and compel the reporter to answer our questions and so we can satisfy the court [that] we have done reasonably what should be done.' And we got the bright idea, let's go to the credit card company, let's go to the toll record, let's go to the hotel where we think people stayed, and so on. . . ."

On January 26, 1995, Judge Markow ruled for Philip Morris: "The totality of what 'Deep Cough' said to ABC is



Capital Cities's Thomas Murphy had been shaken by a lawsuit once before

relevant to its state of mind, not only what it chose to air. To find otherwise would relieve public-figure defamation defendants of liability for 'knowing falsity or reckless disregard of the truth.'"

The decision surprised ABC's lawyers, especially because the early pages of Markow's ruling suggest he is going to rule in ABC's favor:

"If Philip Morris were allowed discovery of third-party records in order to determine the identity of ABC's confidential sources, it would be an open invitation for every plaintiff in libel suits . . . to make a pro forma request for this type of discovery whenever a confidential source is known to exist. A reporter's promise to maintain confidentiality would be meaningless if his movements while investigating were open to scrutiny to glean the identity of his confidential source."

But Markow opened what he conceded was a "Pandora's box" by ruling that without the identity of Deep Cough, Philip Morris had no chance of proving actual malice:

"It would be unfair of the court to require a public-figure plaintiff to rely solely on the representations of a defendant as to what it knew in regard to the veracity and reliability of all of its sources. The court can imagine few defendants who will say, 'Sure, I knew my confidential source was lying, but I went ahead with the story anyway.'"

As soon as they got Markow's ruling validating the subpoenas to third parties, Philip Morris's lawyers began contacting the subpoenaed parties. American Express got an early call. Vivian Wilkerson, an American Express clerk, told the tobacco company's lawyers that the documents were ready. A messenger picked them up just before ABC got a court order to halt release pending reconsideration. An ABC lawyer called American Express the same day. That lawyer talked to somebody in Wilkerson's department, somebody who said nothing would be turned over immediately — not knowing that Wilkerson had already done so.

Wilkerson, it turns out, had sent over far more material than the one month's worth Philip Morris was legally entitled to: seven years of receipts on Bogdanich and Summa as well as perhaps two dozen other journalists with no connection to the *Day One* investigation — many of them newsmen at *The Wall Street Journal*, Bogdanich's former employer.

Desperate to reverse a damaging blow to journalism, ABC wrote a memorandum to Markow requesting reconsideration. ABC lawyers labeled his ruling "internally inconsistent. . . . In spite of the court's eloquent description of the values inherent in the First Amendment and good reasons for the reporter's

privilege, there is hardly a case where the privilege could be sustained under the court's rationale."

Why move so quickly to issue third-party subpoenas, ABC wondered:

"If, as we expect, discovery confirms that Philip Morris adds nicotine to hook smokers, then defendants will be entitled to summary judgment on the issue of truth and it will never matter at all who the confidential sources may be. . . . That is precisely why Philip Morris is pushing so hard for immediate disclosure of the sources' identities. . . ."

The judge was persuaded and reversed his ruling. "Prudence suggests that Philip Morris go further to establish a record that further convinces the court that its need for discovering the confidential sources is, indeed, compelling. There may yet occur, during the course of discovery, the revelation of sufficient information from other sources that it will not be necessary to impinge on the qualified privilege."

The eventual settlement leaves the definitive answer to the question of third-party subpoenas for another time. But if plaintiffs' lawyers are able to emulate Philip Morris's tactics in future confidential-source libel cases, the Deep Coughs will dry up forever.

For now, though, the anguish over the damage to confidentiality agreements has been overshadowed by the puzzling, disturbing settlement itself.

THE SETTLEMENT

As in many expensive lawsuits, talk about a settlement surfaced from time to time, starting in the summer of 1994, just three months into pretrial discovery — and just as rumors began that Disney might make ABC part of its entertainment empire. To insiders, settlement talk was no surprise. The company Thomas Murphy helped build, Capital Cities, has a reputation as a tight-fisted organization that runs profitable newsrooms with generally mediocre reputations for newsgathering. After Capital Cities bought ABC in 1985, the news programming improved in some ways, although Murphy never had been perceived by ABC's investigative journalists as a true believer in their mission. Furthermore, *Day One* journalists doubted Murphy's resolve in the Philip Morris case, partly because while a director of Texaco, he was known to have been shaken by a multibillion-dollar legal defeat at the hands of Pennzoil. That defeat drove the giant Texaco into bankruptcy.

Bogdanich, too, has been down this road before. In 1981, while at the Cleveland *Plain Dealer*, he wrote a story saying Teamster boss Jackie Presser took kickbacks and was an FBI informant. A year later, over Bogdanich's objection, the paper ran an apology/retraction that said there was no truth to the story.

The apology was clearly a victory for Philip Morris, but was it a sell-out for ABC?

As Presser biographer James Neff discovered in Presser's FBI informant file in 1989, Bogdanich's allegations were true. "In other words, the retraction was a lie — Presser was a snitch; he did take kickbacks," Neff says.

Bogdanich had as much reason to worry about ABC's resolve as he had worried earlier about the *Plain Dealer's*. Informed speculation has it that Philip Morris, sensing weakness at the top of Capital Cities/ABC, made one-sided settlement demands — so one-sided as to sabotage talks. But Philip Morris had glimpsed an opening. Given the general assumptions about Murphy's skittishness and the recurrent rumors that Disney wanted to acquire ABC — minus, presumably, a potential multibillion-dollar legal liability — Philip Morris knew it had a bargaining advantage. (Philip Morris executives also threatened, according to a syndicated column by Jeff Cohen and Norman Solomon, to withdraw their \$100-million Miller and Kraft advertising from the network.)

But it wasn't until almost a year later, on June 30, 1995, that *The Wall Street Journal* reported settlement talks had begun anew. On July 31, Murphy told securities analysts a settlement might be near. That was the same date Disney announced its acquisition of ABC. On August 3, *The Wall Street Journal* reported Murphy's comments along with the response of an ABC spokeswoman that "We've reached no agreement, and no settlement is imminent. We have never proposed or agreed to any proposal which would involve a repudiation of the broadcast."

By then, however, key ABC News and legal executives had decided that some points made in "Smoke Screen" probably could not withstand scrutiny at trial. Those executives — over the protests of ABC's litigators, *Day One* managers, and Bogdanich and Martin — wanted to end the court proceedings. They wanted the settlement concluded in August, for at least two reasons. First, viewership would be at its lowest, so an on-air apology would be seen by not quite so many people. Second, while a pretrial hearing set for August 18 in Richmond promised to yield embarrassing information about Philip Morris based on documents produced during discovery, it also contained the risk of procedural rulings that would have forced ABC to reveal newsgathering and editing practices (such as putting answers to one question with another) that, while certainly not libelous, could have been embarrassing to the network.

For their part, ABC's trial lawyers assured corporate high-ups that victory in court seemed quite likely. The lawyers believed the only danger was a jury hostile to the media in general. But, they predicted, even a runaway jury would be only a temporary setback; an appeals court would almost certainly overturn a verdict of libel, as appeals courts tend to do.

Watching ABC's outside lawyers prepare for pretrial hearings and the October trial itself, an observer saw nary a

clue that a settlement might be near. Eleven days before the settlement announcement, an ABC litigator wrote a potential key witness: "We are hard at work preparing to defend the libel suit. . . . I am pleased to be able to report that the course of pretrial discovery, despite strenuous efforts by Philip Morris to stonewall, amply confirms the accuracy and fairness of the broadcast. . . . Although we have taken on Big Tobacco in Marlboro Country, we are as confident of victory as any prudent trial lawyers should be." The Friday before the Monday announcement, the litigators worked nearly around the clock preparing for a key pretrial hearing and writing drafts of opening arguments for the trial itself.

It turned out that the outside lawyers had been kept away from the settlement negotiations. In-house lawyers, who were joined in the final days by renowned First Amendment lawyer Floyd Abrams, worked with Philip Morris's litigators on the language of an apology to the two tobacco companies. Abrams (who is also a professor at Columbia University's Graduate School of Journalism) had worked for ABC in the past, and seemed the logical choice to defend ABC when Philip Morris announced its lawsuit. But from the start, corporate ABC viewed the case as hinging less on a traditional libel defense and more on how much information about manufacturing secrets could be extracted from Philip Morris, so they went for a large Washington law firm, Wilmer Cutler & Pickering — where top in-house lawyers at the network had been partners. Abrams did come into the case briefly before the settlement talks, when he represented a group of national news organizations in their January 6, 1995, amicus brief on behalf of ABC.

The apology was clearly a victory for Philip Morris, but was it a sell-out for ABC? If "Smoke Screen" contained one or more factual errors, it might be possible to consider the extremely limited language of the apology and the absence of any monetary awards (ABC did agree to pay the other side's legal fees, at least \$15 million) a victory of sorts for the network. Moreover, its actions may speak louder than its words. ABC's assertion in the apology letter that it stands behind the show's intended principal focus and the signing of Bogdanich and Martin to new long-term contracts with substantial raises — even though both refused to sign the settlement — are a vindication of sorts for the show.

Still, if the owners of ABC News care about good journalism, they will follow the advice of *Newsweek* columnist Jonathan Alter:

"The *Day One* story was of historic importance. . . . ABC should delete the small portions it apologized for, and rebroadcast it."

A high ABC official says such a rerun is not beyond the realm of possibility. We'll see. ♦

HOW TO downsize

Last July, when Times Mirror announced reductions in the staff of the *Los Angeles Times*, including 150 editorial positions, the company's human resources department produced an internal guide for the termination meetings conducted by management. Employees were offered standard severance packages or a more lucrative "enhanced severance program" if they waived their rights to sue the company for any claim "arising under federal, state or local law, rule or regulation, including any claim of unlawful discrimination or any claim arising under the Age Discrimination in Employment Act." The guide, called the "Transition Program," included a preparation checklist that advised counselors to "have Kleenex available." Here are excerpts from the eight-page guide.

...A REPORTER

♦ Communication Guidelines

- The termination meeting should be no more than 15 to 20 minutes.

- The employee should clearly understand that his or her employment with The Times is being terminated and what his/her last day of work will be.

• **Avoid too much small talk.** k. Get to the point, communicate the decision, don't debate, don't get into fairness or the performance of others.

- Ask the employee to allow you to explain the full reason for the meeting and then you will answer the employee's questions.
- Do not try to make the situation lighter by making jokes or comments intended to be funny.

- Remain calm and try not to become emotional or display emotion.

- If the employee becomes too emotional, acknowledge how difficult this situation must be for them and try to continue. If it appears the employee cannot continue, suggest that the employee see a career/ECS counselor designated on-site or take the materials home with them and you can answer any questions after they have reviewed the documents.

- If an employee becomes angry or hostile immediately advise them that you appreciate their emotions, however, they must control their feelings or you will call Security to have them escorted from the property.

ir emotions, however, they must control their feelings or you will
to have them escorted from the property.

♦ Transitional Issues

- Discuss work assignments
- Discuss company property
 - Computers, books, modems, diskettes, other equipment and materials, equipment keys, computer/telephone passwords, pagers, credit cards, etc.
- Discuss how to remove personal property
 - Options:
 - **Leave now**
 - Pack now with supervision--1 hour target
 - Pack over the weekend
 - Management/HR will pack for employee
 - Packages are subject to search
- Discuss security issues
 - Get company identification card, rusco card
- Next step options - escort employee to appropriate location
 - Outplacement meeting
 - ECS meeting
 - Benefits meeting
 - Leave immediately

- ♦ Close meeting
- ♦ Employee is escorted to next step
- ♦ Complete post-interview form

Once the essence of the termination has been delivered (meeting), focus on managing the employee's reactions.

Individuals react in a variety of ways when under stress. Be sensitive to their reactions but keep focused on your script and moving the meeting forward.

Anger:

The angry person is characterized by verbal attacks and combative behavior.

- Remain calm; do not get defensive.
- Don't argue or threaten.
- Don't feel you have to control the employee's reaction.
- Acknowledge that you hear what is being said.
- Focus your comments on the script that you prepared in advance.

Shock:

Shock is characterized by silence and a staring expression.

- Use silence and open-ended questions.
- Give the employee time to internalize the message; don't overload him/her with information.
- Allow the employee to express emotion.
- Provide support and structure by outlining next steps.

Denial/Control:

The individual who reacts this way is likely to imply that he/she has anticipated the news and is prepared. They may appear as if everything is under control, when in fact, they are refusing to believe this is happening.

the rise of the fouille-merdes

by Mark Hunter

Several times in the past year I've heard French reporters wonder if the news here in Paris is being scripted by Balzac. For example, last year two of then President François Mitterrand's close associates — a high official who'd been hinting to reporters all over town that he knew unspeakable secrets, and one of the gendarmes in Mitterrand's personal intelligence unit — committed suicide. The gendarme had been indicted for illegal wiretaps on the likes of Carole Bouquet, a movie star, and Edwy Plenel, a reporter at *Le Monde*. Think of it: two Vince Foster cases, just begging to be blown open. But no special prosecutors or parliamentary commissions investigate such tragedies in this country, and libel laws are especially severe on reporters who impugn the president. So the stories went nowhere.

*Mark Hunter is an investigative reporter who has lived in Paris for thirteen years. His most recent book is *Le destin de Suzanne: La véritable affaire Canson*, an investigation into obstruction of a murder investigation by officials of the Louvre.*

Investigative journalism is not easily done in France. Still, the death of Mitterrandism, the first movement of the left to hold power in France (from 1981 to 1995) since Charles de Gaulle founded the Fifth Republic in 1958, was sealed largely by an explosion of investigative reporting unprecedented in modern France. Mitterrand said it himself, in one of his last interviews before the right's candidate, Jacques Chirac, won the presidential election on May 14: "What hurt us most was an

accumulation of crummy scandals, which undercut our [image of] morality and honesty." He was referring to a decade in which not one month went by without reporters breaking a new scandal, or ripping an old one wider. This journalistic movement is still expanding, and, as we'll see, it is shaking both the political elite and the news industry to their roots.

So there's a cliché we have to kill — the Paris correspondent's joke that French investigative reporting is a con-



Investigative reporting by Anne-Marie Casteret (below) about AIDS-contaminated blood sold to hemophiliacs helped to bring down a government. The demonstrator's sign reads "Mitterrand, guilty."



tradition in terms. It's true that the kind of highly documented, data-based inquiries that Americans undertake barely exist in France. Paris is not Washing-

ton, where masses of facts can be easily and legally drawn from public sources. The refusal of France's leaders to share information with their people was first noticed by Julius Caesar, and French bureaucrats still dread being quoted on even innocuous matters. Official secrecy in France covers a huge range of documents, there are no transcriptions or open evidence files in court cases, and public access laws are weak and loophole-ridden.

This explains why Paris's new investigative reporters tend to work like Drew Pearson in the Eisenhower era — by cadging leads and classified documents from anonymous sources.

Given such constraints, it is startling what these reporters have achieved. Although there

are only about two dozen of them, they became a real force in 1985, when Minister of Defense Charles Hernu was forced to resign after the daily *Le Monde* and the weekly *L'Express* revealed that French secret agents had planted a bomb on a Greenpeace antinuclear craft, killing a photographer on board. Another turning point came after Mitterrand's reelection in 1988, with the story that his private and political associates had profited from inside trades in the government-owned Pechiney com-

pany's purchase of American National Can. The investigative storm became a hurricane in 1991, when Anne-Marie Casteret of the weekly *L'Événement du jeudi* proved that health officials, with the rubber-stamp approval of Mitterrand's ministers, had knowingly sold AIDS-contaminated blood products to at least a thousand hemophiliacs. Two years later, former Prime Minister Pierre Bérégovoy committed suicide after he was indirectly implicated in the Pechiney case, and Mitterrand publicly blamed the "dogs" of the press.

In the past year alone, several government ministers and c.e.o.s of government-owned corporations came under fire from the press, resigned, and in a few cases were jailed. This was inconceivable only a decade ago. Just as amazing is that the new investigators have been equally unsparing of public figures on both the left and the right, this in a country whose national press was openly guided by partisan political interests well into the 1980s.

A current scandal offers a textbook example of the obstacles that French investigative reporters have to deal with, and of their growing impact on public opinion. President Chirac had barely taken his oath of office this spring when an undercover reporter for the aggressive morning daily *Infomatin* bribed his way into the subsidized housing of Paris, where Chirac had been the mayor until May; the story revealed that each ward in Chirac's former domain has its own operative to handle such dealings. Then on June 14, the weekly *Canard enchaîné* reported that the children of Chirac's anointed successor as mayor, Jean Tiberi, were living in subsidized city apartments, instead of the places they had purchased for themselves, which they had rented out at full market value. Two weeks later, the *Canard* revealed that on Prime Minister Alain Juppé's written order, his son had like-

wise obtained a sweetheart housing deal with the city of Paris.

Unlike the U.S., where *60 Minutes* and its clones would be all over this story — Whitewatergates have been built on less hard evidence — the housing story drew little notice in the crucial broadcast sector. Why? Probably because the government owns four of the seven TV networks, and the leading private network, TF1, belongs to the

Bouygues construction company, which is heavily dependent on government contracts.

The head of the government-owned France-Télévision networks, Jean-Pierre Elkabbach, was already on the defensive, having been publicly accused by Chirac during the presidential race of favoring Chirac's campaign rival, Prime Minister Edouard Balladur, and perhaps could not afford to take an exposed position on the housing scandal. Likewise,

Elkabbach's chief competitor and likely successor in the government TV system, Jean-Marie Cavada, pointedly avoided nailing Juppé to the wall about the scandal during an interview for his flagship news show, *La marche du siècle*.

The prosecutor of the Republic of Paris ruled in July that since Juppé's son, and not Juppé himself, benefited from the scheme, there were no grounds to prosecute. At the end of September, however, the scandal made headlines again, as a Ministry of Justice official — who was about to issue a report defining Juppé's action as illegal — was apparently pressured to resign by the ministry.

Even before the latest turn of events, and despite television's lack of attention, the public's response surprised everyone: in municipal elections on June 18, less than three weeks after *Infomatin* opened the scandal, the right lost six of Paris's twenty local city halls to the left, which had never before held even one. On the eve of the upset, Chirac's minister of justice, Jacques Toubon,

**Investigative
reporters
have won
new influence,
but they
don't yet know
its full
price**

promised revenge, shouting at a TV camera: "I will never surrender to journalistic terrorism!"

It is impossible to say how long this investigative movement will last, but it is certain that these muckrakers embody something largely foreign to the history and culture of French journalism. With few exceptions — like Bernard Lazare, whose relentless digging played a crucial role in the turn-of-the-century Dreyfus Affair, or Albert Londres, whose firsthand reports from the Cayenne prison colony in the 1920s led to the eventual closing of that tropical gulag — the French reporter who valued hard-earned facts more than style and commentary was traditionally despised. Even now, the stars of French journalism are mainly commentators or interviewers with limited reporting experience.

Nor has muckraking ever been widely accepted by French society. The French do not assume, as most Americans do, that reporters who uncover official wrongdoing are performing a useful social function. On the contrary, for the past decade surveys have repeatedly shown that nearly two-thirds of the French think their news media are not "independent of political or financial pressures" — in other words, that they're working on behalf of covert interests. According to *Le Monde's* director, Jean-Marie Colombani, at least two-thirds of reader mail on his paper's investigative stories is hostile. In comparison, public opinion surveys during and after Watergate showed that only a minority of Americans, mainly Republicans, thought the press had persecuted Richard Nixon.

The French, you see, still remember when their native muckrakers were the worst of the profession's ethical dregs. Some of the best investigations of Paris's pre-World War II press were surely never published, because they were compiled solely to blackmail their subjects, just as many published reports of scandals were simply manufactured,

for a price, to smear the enemies of whoever paid it. Those practices continued during the war, when most of France's leading journals collaborated with the Occupant, and they left an ugly memory. As recently as 1987 the popular review *Autrement* compared investigative reporting to *délation*, which meant denouncing your neighbors to the



The first of a torrent of exposés was about how French agents bombed a Greenpeace ship in 1985

Nazis. Even today the familiar term for an investigative reporter in Paris is *fouille-merde*, or "shit-digger." Complains *Le Monde's* Plenel, a key figure in the movement: "A part of our own profession sees us as manipulated and scheming — in short, twisted."

Anne-Marie Casteret's personal story shows how dangerous investigation can be for a reporter's career in this environment. In the U.S. she would probably be as legendary for the contaminated blood affair as Bob Woodward and Carl Bernstein are for Watergate. She took four years to build a massive pyramid of data, from scientific journals and pharmaceutical industry sources, before prying key documents from official sources, then closed in on the contradictions in the cover stories of her targets. Her revelations reached

into the heart of the political elite and the national health system, whose benefits are central to the social pact that binds French citizens to their nation. Without her, an awful crime would have remained unpunished.

Yet outside the profession, her name is practically unknown, and inside, she has been persecuted. At the start of her work on the blood case in 1987, she was harassed by government functionaries and her boss at *L'Express* for pointing to the mere possibility of a scandal, and finally quit her job. When she broke the full story in 1991, not one of her first six articles in *L'Événement du jeudi* was announced to readers with a cover line, a weird way to present such a major story. This year, after a long campaign of abuse from government and certain journalistic figures, including some colleagues at *L'Événement*, she quit; she is now doing consumer reports for a TV network. Some of her colleagues were enraged by her fate. In June, a panel of reporters refused to participate in a professional colloquium with a sociologist who had cosigned an obtuse government-funded study attacking Casteret.

Casteret's woes confirm what the sociologist Rémy Rieffel discovered in his landmark study, *L'Elite des journalistes*: the top ranks of the profession in France are ignorant of or hostile to investigation, because they would rather be colleagues and confidants of the powers that be. He shows that their chief sources in the government, as well as their social contacts, are mainly drawn from former classmates at Paris's powerhouse *grandes écoles*. Editors often advance by taking temporary government jobs in mid-career, which gives them a direct stake in the government. Because of these deep and varied bonds, writes Rieffel, French news executives "seek above all to explain, to simplify, rather than to denounce or overturn the way things are." The powerful daily *Le Figaro's* editor-in-chief, Franz-Olivier Giesbert, put it bluntly in a front-page editorial last fall: "We don't take part in manhunts, the new fashion among the journalistic tribe."

This isn't entirely dissimilar to the American press during the cold war, when many editors felt their duty was to protect and justify their government

in a time of crisis, until Vietnam showed them otherwise. Even during Watergate more than a few American news executives publicly protested against reporters' loss of "objectivity," and questioned the ethics of an overtly adversarial role. In France, which has a long tradition of political upheaval — there have been three wobbly Republics and the puppet Vichy State in this century alone, and the extreme right now holds 15 percent of the national electorate — investigative reporting poses even more painful ethical dilemmas to reporters and editors. Should they pursue the truth at any cost, or try to limit the damage to still-fragile democratic institutions, not to mention to officials who are longtime friends?

That dilemma exploded into the open during the contaminated blood affair, whose effects are still echoing through the courts and the profession. The medical reporter for *Le Monde*, Jean-Yves Nau, was protective of the chief defendant, Michel Garretta, the Director of the National Center for Blood Transfusions, warning that the scandal could "destabilize and compromise a [health] system founded on altruism and human dignity." But in the end, it was Nau who was compromised, when it was revealed that he previously had accepted a regular salary from an international organization run by Garretta.

Remember that during and after Watergate, too, several American news organizations were obliged to revise their codes of ethics, to banish such practices as receiving gifts or fees from sources, on the principle that the pot can't call the kettle black. The French news industry is being forced to confront the same issue, in a most spectacular way. In April the French Dan Rather, TF1's highly competent anchorman, Patrick Poivre D'Arvor, was convicted of accepting \$180,000 in gifts from a political operative, paid for with embezzled funds. Poivre (as he's familiarly known) disputes that sum, and has appealed; meanwhile he remains on the air, with a 43 percent audience share. Though his popularity remains intact, his credibility has been ravaged. A rival anchorman tells the story with delight: on a recent evening,

Poivre shot at a politician, "What's the meaning of your indictment?" The pol shot back: "What about yours?"

In private, the editors of Paris's newspapers and networks agree that such conflicts of interest can no longer be tolerated. They understand that the investigative revolution has changed the rules for everyone involved; if reporters and editors can wreck governments, they have to be clean themselves. But in public they avoid the subject, perhaps because cleaning their ethical houses could bring them, individually and collectively, to the edge of ruin.

Quite simply, the French news industry is financially dependent on government support at every level. One reason the Paris housing scandal didn't break sooner is that a number of top editors and reporters live in city-subsidized apartments themselves. More important, without subsidies covering everything from the price of paper to shortfalls in advertising revenue, few journals could survive; in an average year, those subsidies are equal to nearly one-fifth the total advertising revenues of the French press. The government also controls credit to France's newspapers, most of which run at a loss, through its ownership of the major banks. This may be part of what *Le Monde*'s Colombani meant when he remarked in January that investigators "are bringing the press into a very dangerous zone, where powerful interests are involved."

Colombani might also have been alluding to a disquieting new trend: France's courts and the political elite are changing the legal climate in which reporters operate. In a crucial judgment on April 3, the *Canard enchaîné* was convicted in the highest court of the land of "receiving stolen tax documents." Its offense? The *Canard* had published three years of tax returns from Peugeot president Jacques Calvet, proving that at the same time his workers received a 7 percent average wage increase, his own salary rose by 46 per-

cent. The decision created a catch-22: a reporter can publish the information contained in leaked documents, but can't produce the papers, if necessary, in court without being condemned for abetting theft. In press lawyer Jean Martin's ironic phrase — it's also illegal here to criticize court decisions — the justices showed "a remarkable intellectual suppleness."

Whatever the final outcome of this case (the *Canard* is appealing to the European Court of Justice, which has the power to overturn national courts), it is clear, as a high Justice Ministry official puts it, that "there is a new will among public authorities to reduce the possibilities of expression for the French." Literally in the dead of night last November 21, the National Assembly outlawed the publication of even the names or party affiliations of any persons facing indictment, a group which at the time included more than fifty elected

officials throughout France, among them some members of the Assembly. The amendment was overturned in the Senate two weeks later; still, in April, the Senate issued a report demanding that prosecutors pursue violations of secrecy laws. Meanwhile the prosecutor of Paris has opened proceedings for "violation of the secrecy of legal proceedings" and "receiving stolen documents" against reporters who revealed the names of suspects in the wave of terrorist bombings that rocked Paris in late summer, all in line with Justice Minister Toubon's mid-June promise of revenge.

Not since the Algerian war, where the government repeatedly censored journals whose coverage undercut the official line, have French journalists played for stakes like these. They have won potent new influence, but they don't yet know the full price they will have to pay for it. And they are more and more aware that the good old days, when reporters and the people in power were friends and allies in a common cause, are over. ♦

The French do not assume that reporters uncovering wrongdoing perform a useful social function



What

Michael Ovitz

Knows about

Managing the News

by Neal Koch



The nation's press went wild last summer over the creation of the most formidable media colossus in history: The Walt Disney Company under chairman Michael Eisner seemingly swooped out of nowhere to swallow Cap Cities/ABC, and then to hire as Disney's president Michael Ovitz, the talent agent whom journalists had for years proclaimed "the most powerful man in Hollywood." "Ovitz, the top deal maker, joins Eisner, the most powerful showman," wrote *Time* magazine next to a full-page four-color drawing of Ovitz attired in royal robes and a gold crown, sitting on a throne. "Disney's stock-market value jumped by \$1 billion in a single day as investors cheered the news of a backup for chairman Michael Eisner," reported *Newsweek*. Disney, announced *Variety* on page one, now "has created a new model for the media company of the future."

But nowhere in this avalanche of page one coverage was a full picture of Ovitz's track record. The Disney episode is the latest such example in years of deferential press coverage of Michael Ovitz and the

Neal Koch, a Los Angeles-based journalist, is writing a book on the movie business.

ILLUSTRATION BY MOFFETT CECIL / PHOTO: WILLIAM COUPON/ONYX

feared Creative Artists Agency, which he co-founded in 1975.

For example, since Ovitz was about to take on fiduciary duties as the number two executive of a publicly held corporation — one so prominent that even before the Capital Cities/ABC purchase its stock was one of the thirty used to compute the Dow Jones Industrial Average — it would have been relevant to mention that he had previously failed to dispute federal charges of misusing pension funds. By the same token, coverage that repeatedly listed groundbreaking deals from Ovitz's past might have included more than passing mention that two of the most important deals on the list had later proved embarrassing disasters for Ovitz's clients.

Not only did Ovitz decline, as is his custom, to be interviewed on the record for this article, but his CAA spokesperson, Anna Perez, declined to speak for attribution as well. The tactic is just one out of an arsenal used by CAA on the Hollywood press corps: reporters can find themselves shut out of the information loop, their sources intimidated into silence. Reporters also say they fear that, to keep them in line, Ovitz leaks their exclusive stories to competitors. Nearly all the journalists who have covered Ovitz and were interviewed for this article not only declined to speak without grants of anonymity, but insisted that they be identified by the vaguer term "journalist" rather than "reporter" or "editor." "Are you sure you want to do this?" one editor for a national magazine implored this writer when told he was working on this story. "Are you *sure* you want to do this?"

Ovitz is not the first movie mogul to have frightened and charmed adulatory coverage out of journalists but he may be the most successful and sophisticated. An extensive, Nexis-assisted review of a decade's worth of press about him reveals, with some exceptions, remarkably superficial treatment. Why so? Partly, perhaps, to protect that most precious Hollywood commodity, access to the players; and partly, as reporters sometimes joke half-seriously, because crossing Ovitz could mean an end to career opportunities in the movie business.

Now that Ovitz has shifted arenas of power, from a privately held talent agency to a global media conglomerate, a glimpse into the ironfisted press manipulation he practiced at CAA offers a cautionary tale for the journalists who will record the next chapter in his ascendancy.

This look also offers some insight into a key personality who will be shaping the shifting corporate culture for the journalists of ABC News and Cap Cities/ABC's newspapers and magazines, including *Institutional Investor* and *Los Angeles* magazine. While Cap Cities/ABC chairman and c.e.o. Thomas Murphy and former c.e.o. Dan Burke were broadcasters who generally supported a robust press, Eisner, wrote Ken Auletta in *The New Yorker* last August 14, "has no natural predilection for journalism. He tends to take a dim view of reporters." Ovitz, says one journalist who covered him extensively, "probably would prefer they were dead."

The Ovitz saga, as *Newsweek* noted in a cover story last summer, "has all the elements of a schmaltzy young-man-on-the-make movie." Starting in the William Morris Agency's legendary mail room, Ovitz rose to become a television agent, a post from which he was fired in 1975 when his employers got wind of his plan to launch, along with colleagues, their own agency. Working off card tables with their wives acting as secretaries, the men built CAA from scratch, in the process remaking the Hollywood talent business in large part by importing into filmmaking the television industry's strong-arm practice of "packaging." The strategy, in which Ovitz offered teams of actors, writers, and directors to studios in all-or-nothing deals, has resulted in movies like the Oscar-winning "Rain Man," with stars Dustin Hoffman and Tom Cruise and director Barry Levinson as the CAA package.

He made a name for himself as a mega-company deal maker too. Ovitz was consulted by Sony in its 1989 takeover of Columbia Pictures. Although the Sony-Columbia marriage later soured, CAA reportedly landed a \$10 million advising fee in the deal. In 1991, Ovitz snared part of the Coca-Cola advertising account from Madison Avenue and then gave the world computer-animated polar bears and a sweaty, thirsty sun in its "Always Coca-Cola" campaign. The list goes on. "Along the way," wrote *Time* last August, "he made deals, fortunes, kings, and enemies."

Less well known, however, are Ovitz's missteps and overreaches. Why weren't readers provided with fuller accounts of some of the wrong

A cautionary tale for the journalists who will record the next chapter in his ascendancy

**Why weren't
readers
provided with
fuller accounts
of some of the
wrong turns that
accompanied his
successes?**

turns that accompanied his successes? "I'd say there were two possibilities," offers the *Washington Post's* media reporter, Howard Kurtz. "One is that the man actually does walk on water. Second is that the press has decided to pull its punches in dealing with him."

One example of the sin of omission is the way Ovitz's role in advising Sony in its purchase of Columbia Pictures from Coca-Cola has been trumpeted by reporters. Since brokers are generally considered to bear responsibility for matching clients with investments that are compatible on every level, it could have been relevant to mention in those stories the fact that since the deal was made in 1989, Sony has written off about half of its \$8 billion Hollywood investment. (To be sure, when Ovitz declined to run the studio following its purchase, Sony hired as co-chairmen Peter Guber and Jon Peters, who were later dismissed at separate times following embarrassing incidents and major losses.)

Similarly, articles frequently credit Ovitz with single-handedly brokering Matsushita's \$6.59 billion acquisition of MCA in 1990 without noting that the two were a poor match, resulting in MCA's going back on the auction block in 1995. Matsushita took a bath in selling 80 percent of MCA to Seagram because the studio had performed poorly and had experienced such a cultural clash with Matsushita. Frank Rich, the *New York Times* cultural affairs columnist, was one of the few to point out that Ovitz "in essence, had helped destroy [MCA] by negotiating the original deal with the Japanese."

The Wall Street Journal, in its lead story August 15, speculated that Ovitz could lead Disney in "new directions" through, among other things, corporate acquisitions. It cited Michael Eisner's praise of Ovitz's deal-making skills as likely to be beneficial "across the spectrum at Disney." But nowhere did the long article mention the outcomes of the MCA and Sony purchases. Neither did any of *The New York Times's* five stories that day focusing on Ovitz's move, including the lead story on page one. Nor did *The Washington Post's* page-one article, nor any of the blanket coverage in *Daily Variety* and *The Hollywood Reporter*. It was the same at *Business Week*, *Time*, and *Newsweek*. Only the *Los Angeles Times* reported, deep in a 1,225-word news analysis on the front of its business section, that "many [critics] . . . noted Monday that the Japanese companies Ovitz brought to Hollywood have lost billions of dollars there . . ."

Back in 1991, when Ovitz was still garnering laudatory coverage for CAA's unprecedented capture of part of the Coca-Cola advertising account and news stories were carrying reports of his behind-the-scenes role in negotiating a change in top management at Columbia Pictures, none of the stories, judging from *CJR's* Nexis searches, included news of an embarrassing allegation involving Ovitz and fellow CAA executives William Haber and Robert Goldman. The Labor Department's Pension and Welfare Benefits Administration alleged that they had transferred \$1.249 million of CAA pension money into a downtown Los Angeles land development venture under the name of Toluca Investors, Inc., a limited partnership in which the three men were also general partners. Because the men were trustees of the CAA pension plan, this action would have violated the Employee Retirement Income Security Act. In a voluntary settlement that avoided a trial or admission of guilt, the defendants agreed to cease the activities the government claimed were illegal in exchange for having the charges dropped. Specifically, the three men agreed to sell their interests in the limited partnership to the pension fund. (But the pension fund's money stayed in the investment.) This consent decree was filed, along with the the government's complaint, on August 27, 1991, in Los Angeles Federal District Court, making it a matter of public record. Moreover, the Labor Department issued a national press release specifically, says Hal Glassman, chief of public affairs of Labor's Pension and Welfare Benefits Administration, because Ovitz's name was involved.

Yet apparently only three news organizations carried that story — the *Los Angeles Times*, on page two of its business section; *The Hollywood Reporter*, which barely rewrote the labor department's press release, adding remarks from Ovitz's spokesman calling the incident "at most a technical violation"; and *The Associated Press*, which, at 478 words, had the longest story. In March 1992 the incident was mentioned in a pseudonymous article in *Spy* magazine. Says Labor's Glassman, a former night city editor of *The Miami Herald*: "Why people didn't pick it up from AP is a real good follow-up question."

The National Mercantile Bancorp of Los Angeles is another case Ovitz would rather forget. And, for the most part, the press has accommodated him. It is an embarrassing tale of apparently poor business judgment. In February 1990, CAA — then majority-owned by Ovitz — bought just under 10 percent of National Mercantile, barely short of the legal definition of

a controlling interest, which carries with it government-mandated disclosure requirements.

At the same time, a group associated with a Hollywood business manager, Gerald Breslauer, who had close ties to CAA, also bought just under 10 percent of the bank, making the two groups Mercantile's largest shareholders. According to a *Forbes* report, Breslauer — "Hollywood's most powerful money manager" — and Robert Goldman, CAA's c.f.o., "decided to pool their talents and some of their respective capital and get into the banking business." The buyers denied to the *Los Angeles Times* that they were working in concert. But soon after the purchases, there was a change in Mercantile's top management, and a banker who had worked closely with CAA at the much larger Security Pacific National Bank took the helm.

Basic reporting might raise questions about how closely the buyers had scrutinized the bank's finances before buying in. Right after the purchase, the bank, which had never earned more than \$3.5 million in a year, posted a \$1 million loss in a single quarter as a result of an outstanding \$2 million loan made years before to a former S&L official (who later came under investigation by the FBI). Earnings dropped 20 percent the following quarter.

As business slowed, the bank's overhead soared, largely due to the pursuit of service-hungry entertainment customers. In all, according to the *Times*, efforts to boost the bank's entertainment business cost \$800,000 — a considerable expense for a bank of relatively modest resources.

Yet existing entertainment clients began defecting, saying they feared that information about their personal finances could be used by Ovitz and Breslauer in business negotiations. Within nine months, CAA's investment lost half its value, the *Times* reported. And, between 1992 and 1994, shareholders again lost half their equity as the bank posted a 1994 net loss of \$7.6 million, according to figures from Mercantile's government filings, as compiled by The Findley Reports, an industry publication.

The bank has also suffered a string of run-ins with federal regulators. Under government pressure in 1991, the bank agreed in a federal enforcement action to extensive steps to correct deficient lending, accounting, and management practices — again, a matter of public record. Then, regulators cited Mercantile for "substantial noncompliance," the lowest possible rating, with the Community Reinvestment Act, a condition the bank later remedied. CAA still appears to be Mercantile's largest shareholder, although spokeswoman Perez declined to confirm or deny this.

The *Times* story was the only extensive exami-

nation of Ovitz and the bank. Written by business reporters Michael Cieply and James Bates and headed THIS STARRY NEW HOLLYWOOD BANK IS NO HIT SO FAR, the 2,400-word cover story appeared in the November 11, 1990, Sunday business section. Another *Times* reporter, Alan Citron, wrote in a subsequent *Times Sunday Magazine* cover profile of Ovitz that "After this newspaper carried an article about the troubled bank investment, one of Ovitz's top lieutenants asked me about one of the reporters involved: 'Is he dead yet? No? That's too bad.'"

Cieply left the *Times* shortly afterwards to become a movie producer. In the intervening five years, with rare exceptions, no probing stories on Mercantile and CAA have appeared in the *Times* or, for that matter, any other major publications.

How does Ovitz do it? A striking example is his media machinations last summer while he was dickering with Seagram over whether he'd run the spirit and beverage giant's newest property, MCA. At the same time *The New York Times* and *The Wall Street Journal* were reporting Ovitz's strong denials that any bargaining was going on, he was posing for a *Newsweek* photo and telling the magazine, exclusively and on the record, about the negotiations. A few days later, on the day his appointment to MCA was expected to be announced, *Newsweek* hit the streets with an eight-page cover story crowning Ovitz "King of the Deal." Although the *Newsweek* story was careful not to pronounce the deal actually done — it subsequently fell through — "there was uneasiness about whether we had been spun," says a *Newsweek* source, "about whether we had been manipulated. People were scratching their heads wondering."

If Ovitz can't always control the timing so closely, he is very effective at managing the spin. One of his techniques is to parcel information out to a journalist in morsels as he is reporting the story, telling him to call back again and again. Other times Ovitz may not return calls at all, keeping even his best reporter contacts on edge as to when he will be available and when he won't.

When a story seems to be escaping his control, Ovitz may give in and talk for the record. But usually only briefly. Typically he waits until the last moment, by which time he knows from his sources whom the reporter has already interviewed and what the drift of the story is. The reporter, on deadline, has all he can do to



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squeeze the new material into his story, leaving little time or opportunity to follow up with other sources.

If a reporter seems to be going off in a direction Ovitz doesn't like, he gets very hot, often claiming the reporter is acting unethically. "We cannot permit anyone to damage this agency," goes a catch phrase. And revenge can be swift. For instance, very shortly after a withering 1991 *Wall Street Journal* story by John R. Emshwiller and Richard Turner revealed CAA's boondoggle in representing a technology client, QSound, Ovitz told associates that Turner was "a dead man." Soon afterwards, *Journal* editors flew out to Los Angeles on a trip, the centerpiece of which was to be a brainstorming session with CAA agent John Ptak to map out a coming special issue on the international entertainment business. But the night before they were to meet, Turner received a call from CAA:

Ptak shows only if Turner doesn't. To their credit, the editors canceled the meeting. "At least he followed through," Turner says of Ovitz. "You've got to respect him for that."

Sometimes Ovitz goes after a reporter's sources. Several years ago, Lisa See, West Coast correspondent for *Publishers Weekly*, received a call from a studio executive she had quoted as saying he didn't like having to buy Ovitz's packages. "You have to help me out," she recalls him pleading. "Mike Ovitz doesn't like one of the quotes you used and told me he would never do business with me again. What can you do?" See solved the problem by sending a letter to her unhappy source saying, "I'm so total-

ly sorry that you're upset. The quote was taken out of context and of course this is only one of the things you said."

Now See confesses, "I didn't think it was really out of context."

Ovitz's most extensive, continuing relationship is believed to be with the *Los Angeles Times*, say many journalists interviewed for this story. For example, while helping Matsushita buy MCA, Ovitz made himself a key source for *Times* reporters, feeding them material over the course of about forty stories done over about five months, strongly influencing the cast of the articles, newsroom sources say.

Ovitz possesses a "great instinct for any weak spot in a chain of command," explains one reporter with extensive experience covering him. "So he peddles up and down the line till he finds someone who will give him what he wants."

Forbes sources say that at their magazine they think that's editor-in-chief Malcolm S. (Steve) Forbes, Jr. Last February, an L.A.-based associate editor, Nina Munk, was finishing a story critical of Ovitz that she had spent six weeks researching under the enthusiastic direction of editor James Michaels and managing editor Lawrence Minard when Minard called, clearly upset, according to sources at the magazine. "I've got some really bad news," he is said to have told Munk, who had yet to turn in her first draft. "The story got killed."

Earlier, Ovitz and Steve Forbes had discussed the article. When Pat Weschler, then a *New York* magazine "Intelligencer" columnist, quoted unnamed *Forbes* sources as saying the article died at Ovitz's request, Steve Forbes and a company spokeswoman told *New York* that he had pulled the article because of a conflict of interest — *Forbes* was pursuing a joint business venture with CAA. But the company would not identify that venture to *New York*. *CJR*'s calls were referred to *Forbes*'s spokesperson, who said of the *New York* magazine account, "We have nothing to add." Minard declined to comment.

"The quid pro quo," says Kim Masters, a reporter for *The Washington Post* and a contributing editor for *Vanity Fair*, "is that if he says something's not true — regardless of how unlikely that seems — he expects you to drop that story. If you print it, he thinks that's betrayal."

Ovitz can be just as intense when trying to charm journalists as when he intimidates them. Richard Turner, now a *New York* magazine editor, described the technique in his June 5 media column:

"The first time I was ushered into his office, he leaned forward in his conspiratorial whisper and went into studied praise of particular stories I'd written. He knew details about my family and asked flattering questions. He said he envied me because the less fashionable part of town where I lived had a better 'moral' atmosphere than L.A.'s glitzy West Side . . ."

But the charm can take a quick turn for the sinister, as reporter Anita Busch discovered. Over lunch with Ovitz, Busch had had a violent allergic reaction to some MSG in her food. A few weeks later, she wrote an article for *Daily Variety* questioning whether Ovitz would improperly play a role in a Baby Bell deal CAA had brokered. The afternoon the article appeared, a gift-wrapped package arrived at Busch's desk. Inside was a jar of MSG, accompanied by a note from Ovitz that read, "Enjoy." ♦

**Ovitz can
be just as
intense when
trying to charm
journalists as
when he
intimidates
them**

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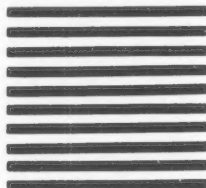
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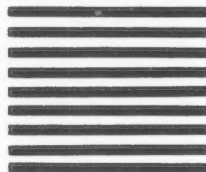
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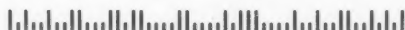
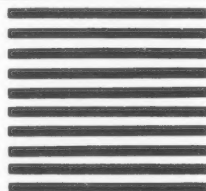
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"The Tablet" Lives, Sort Of

Roger Fidler has an idea. Whether or not it's a good idea, it certainly aims right at the heart of the issue all of us in or about journalism should be pondering. Why will anybody need us, anyway?

With the coming of the Internet and the World Wide Web (and what will certainly succeed them sooner or later), ordinary folks now have the exciting capability of tracking down original sources via their own computers. They don't have to depend on us and our hoary institutions to decide what's appropriate for them to read, hear, and see.

Fidler, who discusses all that in a book entitled *Mediamorphosis*, which will be published in the spring, argues that consumers of news are habituated to:

a) Reading or viewing news and advertising in the vertical format of the standard newspaper, and

b) Relying on a mediator, someone to fill the role that journalists have always filled: gathering, sifting, filtering, verifying, evaluating, prioritizing. Indeed, Fidler points out that as people are inundated by increasingly more information, the more they need such mediators.

Fidler dreamed up a device that would combine both the look of a newspaper's packaging as well as that perceived need for a mediator. In 1981, his mind's eye divined a letter-sized, slender (inch-thick), two-pound portable electronic "tablet" that, he expected, would eventually supplant our favorite newspaper, radio station, television newscast, magazine, even our Rolodex. Users of news would in effect be constantly downloading new stuff, much in the same formats with which they are currently familiar.

You would see a headline on the screen of this tablet, for instance, touch a light pencil to it, and a full story — or a video and audio clip — would pop into view. You could touch again and get more and more detail, all stored in ample but tiny memory cards inserted in the machine. One idea Fidler was exploring was using those ubiquitous automated teller machines as docking stations to receive data and refuel tablets with the newest news. Later on, when and if "bandwidth" became virtually unlimited, data could be fed directly to the tablet from an orbiting satellite.

Fidler started out to be an astrophysicist before getting hooked on newspapering. His background in science enabled him to think through the electronics of this thing. Knight-Ridder is believed to have spent a couple of million dollars over five years or so figuring out how all these news and information sources could be packaged into such an apparatus, and Apple Computer has been working on the electronics to make it.

The problem is, "The Tablet" hasn't happened yet. Fidler maintains that the real thing was about two years away. But P. Anthony Ridder, the chairman of Knight-Ridder, figures

that it's still at least ten years away and, although he says he loves Fidler's idea and would be delighted to be the device's first user, he also says his company couldn't "sit and wait" any longer. (The company poured \$50 million or so — in partnership with AT&T, which spent millions more — into a black futuristic hole called "Viewtron" before scuttling it in 1986. Viewtron's design director was one Roger Fidler. Fidler has enjoyed some notable entrepreneurial successes, too, such as PressLink and the first computer graphics network, now called Knight-Ridder Tribune Graphics.)

A few months ago, Ridder shuttered Fidler's Information Design Lab. Ridder says he begged Fidler to stick with the company, to move to San Jose, site of its New Media Center. But Fidler decided to use his two years of Knight-Ridder consulting fees to keep on keeping on, hunting new investors. He has taken a visiting professorship at the University of Colorado and will help the university develop a media lab, part of which will include continued work on "The Tablet."

Ridder for now is betting on more immediate steps into the future and on the Internet. "I think what the New Media Center is doing is here and now," he says, "and there is lots to be done, including not only the news part of this but electronic classified. That stuff is exploding."

Fidler spent a year at Columbia several years ago, and he and I talked endlessly about the tablet notion, which I maintained would be great for about ten seconds until something else came along to supplant it. Fidler insisted that history would prove him right. He still thinks so.

"I firmly believe tablets will emerge as a consumer appliance before the end of this decade," he says. "What I'm trying to do is package the newspaper to preserve an easy way to browse information, but with greater depth."

Gadgets aside, Fidler's central idea — that journalists are absolutely necessary in this new world — remains central to many of us, notably including Knight-Ridder.

Kathy Yates, director of business development of Knight-Ridder's New Media Center, says consumers may find surfing the "Net" fun now, but that will soon wear off.

"At first, it's a whole lot of fun," she says. "In a way, it's extremely seductive — getting data right from the source, unfiltered. But that takes time, and the Internet doesn't give people more time. In fact, it consumes time. And all it takes is one or two episodes of picking up and relying on information that you thought was credible and isn't. We believe there will be a revitalization or reappreciation of what it is that journalists do." ♦

Isaacs is a professor of journalism at Columbia's Graduate School of Journalism and is co-chair of the university's Center for New Media.

This epoch with . . .

by Neil Hickey

A 1960's ditty, sung to the tune of "Love and Marriage," went this way:

Huntley-Brinkley, Huntley-Brinkley

One is gloomy and the other is twinkley

David Brinkley was the twinkley one, but he neglects to mention that wry tribute in his autobiography, a ripping tale of a life in journalism that spans the entire history of television news — a record of longevity that no other TV newscaster now working can come close to matching. Most television news watchers under the age of thirty (and there are a few) know Brinkley only as the host of a Sunday morning political chat show on the ABC network, but like a North Atlantic iceberg, that job description conceals the great bulk of his contribution to American journalism since World War II and continuing into the present — and (we hope) into the indeterminate future.

For eleven years (1956-1967), the unlikely pairing of Chet Huntley — a rugged Montanan who sometimes seemed more interested in cattle than the news — and David Brinkley dominated the TV evening news scene, as well as the coverage of primaries, political conventions, and election nights. Unaccountably, their chemistry on NBC produced ratings gold, although neither ever seemed entirely comfortable being yoked to the other: Huntley in New York, Brinkley in Washington, and the famous sign-off ("Good night, Chet." "Good night, David") which entered the language and remains a shibboleth even for people who can't remember its origins. Both hated it. Huntley thought it made them sound like sissies and Brinkley considered it artificial, contrived and silly. Nonetheless, to this day, people shout after Brinkley in the street: "Good night, David!" (Huntley died in 1974.)

So potent was the Huntley-Brinkley synergy that after the 1964 Republican convention in San Francisco, CBS in a panic ejected Walter Cronkite from his anchor seat and replaced him with their own dynamic duo (Robert Trout

and Roger Mudd), a team that fared even worse in the ratings war against the surging NBC News. During the Democratic conclave in Atlantic City that year, the Huntley-Brinkley coverage at one point earned an astonishing 84 percent of the tuned-in audience, perhaps the highest share in television history.

DAVID BRINKLEY: A MEMOIR

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Brinkley had leaped to TV news prominence thanks partly to a review of his performance at the 1956 Democratic convention in Chicago by *New York Times* critic Jack Gould. Wrote the *Timesman*:

A quiet southerner with a dry wit and a heaven-sent appreciation of brevity has stolen the television limelight this week. . . . Mr. Brinkley quite possibly could be the forerunner of a new school of television commentator; he is not an earnest Voice of Authority imparting the final word to the unwashed of

videoland. Instead of the pear-shaped tones he has just a trace of a soft North Carolina drawl. . . . Mr. Brinkley's extraordinary accomplishment has been not to talk too much. . . . He has a knack for the succinct phrase that sums up the situation. . . . It is Mr. Brinkley's humor, however, that is attracting audiences. It is on the dry side and rooted in a sense of relaxed detachment from all the political and electronic turmoil around him. . . . The sudden rise of Mr. Brinkley and the introduction of Mr. Huntley . . . is the first real

change in the network news situation in a long while. This convention marks the first time the Columbia Broadcasting System, with such established stars as Edward R. Murrow and Eric Sevareid, has had real competition from NBC. . . .

That began the glory days of NBC News. A few months after the convention, the newly minted *Huntley-Brinkley Report* went on the air. (Reuven Frank, its producer, later called that first broadcast on October 29, 1956, "the worst evening news program in the history of American network television." It got better.) The Huntley-Brinkley formula was magic and kept the network dominant in news for over a decade. But as Heraclitus once put it, "Nothing is permanent except change," and that goes double for television.

It all began to unravel during a strike called by the American Federation of Television and Radio Artists in 1967, during which Brinkley declined to cross the picket



David (right) and Chet: An unlikely pairing that produced ratings gold

Neil Hickey is a long-time observer of the TV news scene.

The Sigma Delta Chi Awards in Journalism

For 64 years, the Society of Professional Journalists has presented Sigma Delta Chi Awards for outstanding contributions to journalism. These awards are among the most coveted in the profession. Winners receive the SDX bronze medallion and a plaque. The awards offer 27 categories for Print, Radio and Television Journalism, plus Research in Journalism.

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The competition is open to all journalists. Submissions must be accompanied by an entry form, a cover letter and a \$60 fee.

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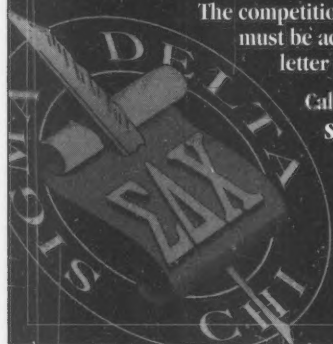
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Deadline for entries: February 1, 1996



DIRECTOR Graduate Journalism Programme The University of British Columbia

The Faculty of Arts, University of British Columbia seeks a Director for the new Graduate Journalism Programme. The programme, which leads to a Master's Degree in Journalism (MJ), will focus on specialized academic studies at the graduate level as well as advanced research in journalism theory and practice.

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Candidates should have demonstrated administrative skills in managing both technical and professional staff as well as faculty. The successful applicant will have considerable professional credibility in journalism including a variety of published work, a recognised degree in journalism or an equivalent record of professional experience.

The appointment will be at the rank of professor with tenure assuming that suitable qualifications are offered. Salary will be commensurate with qualifications and experience. The University provides generous pension, medical and dental plans.

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Applications, including curriculum vitae, names of references and samples of published work, should be sent prior to November 15, 1995 to:



Dr. M. Patricia Marchak, Dean
Faculty of Arts
University of British Columbia
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line and Huntley went on the air every night alone. (CHET TALKS, DAVE WALKS, headlined the New York *Daily News* on page one.) Their mail was hostile: letter writers accused Brinkley of being greedy and of trying to squeeze more money out of NBC (not true: he had nothing to gain by the strike's success or failure); others bashed Huntley for cynical insensitivity to the well-being of lower-paid members of his union (also untrue). But when the strike ended, Huntley-Brinkley's ratings plummeted and soon Walter Cronkite was back on top. NBC's evening news program would never again achieve the same degree of hegemony.

Huntley hung around for a few more years and then retired and went home to the big-sky country where he was happiest. He'd always been (in Brinkley's words) "the friendly, open-shirted westerner who would have looked comfortable riding a quarter horse . . . his leather saddlery squeaking and the chuck wagon rattling and bumping in the rear, driven by a cook looking and swearing like Walter Brennan." The fabled *Huntley-Brinkley Report* became the *NBC Nightly News* and fell into other hands, leaving Brinkley to do TV newsmagazines and, eventually, to defect from NBC after thirty-eight years and accept ABC News president Rooney Arledge's offer of a Sunday morning broadcast and a new and different brand of success.

Throughout all of this, David Brinkley was becoming as central an aspect of the Washington establishment as the most power-brokering politico. Indeed, he is a member of the permanent establishment: since he joined NBC's Washington bureau as a radio reporter in 1943, thousands of elected officials have swung through the capital's revolving doors, but Brinkley — who has known most of them — is still greeting new arrivals and bidding others adieu as they go back where they came from.

As NBC's youthful and inexperienced White House man

during World War II, he stood around President Roosevelt's Oval Office desk along with Merriman Smith of the United Press and James Reston of *The New York Times*, hesitant to ask questions "out of fear I didn't know enough and my ignorance would be revealed." He learned fast. He traveled by rail with President Truman and Winston Churchill when the British statesman went to Fulton, Missouri, to deliver his famous warning about Soviet expansionism. ("From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent.") So personally involved did he become with the Kennedy family that days after the assassination of JFK, Robert and Ted Kennedy, along with their wives, visited Brinkley at his Chevy Chase home. They were "drained and tired and in need of a little company outside the family," Brinkley writes. It was "the first time any of them had been out since the funeral." President Lyndon Johnson once tracked Brinkley down at a Sunday picnic and sent a helicopter to spirit him away to Camp David for dinner and a movie and to quiz him about why Washington intellectuals disliked him so much. President Richard Nixon saw Brinkley as his number one enemy; Nixon aide Jeb Magruder complained that even when Brinkley's words were seemingly impartial, "he would indicate his scorn for the president by a raised eyebrow or a note of irony in his voice." The White House was "in a frenzy to destroy Huntley and me," writes Brinkley. They cooked up a plan to have a private poll taken on Brinkley's credibility versus Walter Cronkite's and to leak it to the media if it made Brinkley look bad; and to urge businessmen and TV advertisers to complain to NBC bigwigs about Brinkley's alleged unfairness.

All heady stuff for a kid who grew up in modest circumstances near the Cape Fear River docks in Wilmington, North Carolina, the son of an Atlantic Coast Line Railroad

employee who died when the author was eight. There's genuine poignancy in his description of that childhood, and you're likely to learn more about what makes David McClure Brinkley tick by reading it than you have in decades of watching him on television. The father: a decent, loving man who was a soft touch for anybody in need. The mother: implacable, hostile, ever resentful of David because he was born when she was forty-two, thereby shaming her before her friends at St. Andrew's Presbyterian Church who deemed it scandalous for a woman that age to be having sex and making babies.

I had made her the victim of gossip. I was not wanted. I now believe that for every day of my life at home with her, every time she looked at me, when she could not avoid looking at me, I reminded her of the agony and suffering that came with me when I was born. . . . Another day burned forever in my mind was when I wrote a little story about something or other and walked upstairs and showed it to Mama. After a brief glance, she threw the paper in my face and said, "Why are you wasting your time on this foolishness?" It was another scar slow to heal.

After a kindly English teacher at New Hanover High School (Brinkley never went to college) told him he ought to become a journalist, he hooked up with the *Wilmington Star-News* at the age of seventeen, then progressed to United Press's offices in Atlanta, Nashville, and Charlotte before coming to ground at NBC's Washington bureau in 1943. That was the golden age of radio news, with stars like Edward R. Murrow, Elmer Davis, H.V. Kaltenborn, Robert McCormick, and Lowell Thomas, few of whom successfully made the transition to television because they couldn't learn how to relate words to moving pictures. ("I hate television," Kaltenborn once told Brinkley.) The first wave of television "anchormen" (before that word was coined) were Douglas Edwards, John Cameron Swayze, and John Charles Daly, who were, respectively, the Dan Rather, Tom Brokaw, and Peter Jennings of

White House to Your House

Media and Politics in Virtual America

Edwin Diamond and
Robert A. Silverman

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that Pleistocene era even though none of them was a seasoned journalist. By accident or guile, Brinkley learned early to address viewers conversationally and without the grandiloquence of radio commentators, letting pictures speak for themselves when words were superfluous.

The Brinkley career has been unique in other ways beyond its longevity. He's never been a mud-caked war correspondent, never labored abroad in a TV news bureau, never gone dashing from the newsroom to cover some violent outbreak in Africa or

Eastern Europe or the Middle East. Trench coats aren't his style. And it's hard to imagine him donning native garb and sneaking into Afghanistan as Dan Rather did. He's every inch a denizen of Washington, a familiar of its back rooms, drawing rooms, and committee rooms. The peril for newspeople in so total and so prolonged an immersion in a single newsbeat is that close personal relationships with powerful newsmakers can sometimes color one's coverage of them. ("My friend Bobby Kennedy," Brinkley writes.

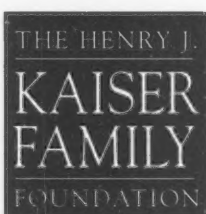
And again: "Abe Ribicoff was and is a good friend of mine.") Apart from whether Brinkley's reporting has ever been affected by his palships, a few pages on how he has navigated those tricky shoals would be instructive.

Indeed, this is not the big book that David Brinkley is capable of. It's amiable and aimless, innocent of chronology, perhaps best read aloud in one's niftiest imitation of Brinkley's eminently imitable cadences and cosmopolitan languor. But one yearns for more detail: What did Brinkley actually *tell* Lyndon Johnson when the president asked him why intellectuals hated him? What did the Kennedys *say* when they visited Brinkley after the JFK assassination? What was the relationship of Huntley and Brinkley really *like* in their offscreen moments? (They were never close friends, never each other's kind of guy.) How about some up-close and personal impressions of the whole rollicking parade of colorful characters that has marched past his reviewing stand since World War II: Taft, Stevenson, Humphrey, Mondale, Rockefeller, Kissinger, Moynihan, Tip O'Neill. He does offer us a few longish cadenzas on subjects like political convention reform and the inequities in our tax structure. An entire volume of such essays by David Brinkley would be welcome and I for one would pay good money to read it, but they seem anomalously tacked on in the context of a memoir.

But enough quibbling. The book entertains as it informs, and it gives us the best insights into David Brinkley we've had so far, thanks to his moving recollections of a less-than-happy childhood.

And besides, where else can one enjoy stories like the one about President Kennedy ordering his press secretary, Pierre Salinger, to take an official car and go around Washington buying up all the Cuban cigars in town and to bring them back to the White House.

After Salinger had successfully completed his mission, Kennedy issued his order banning all imports of cigars from Cuba.



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Photojournalist Without Pity

by William McGowan

At the end of her fine biography of the enigmatic Walker Evans—the first one yet published—Belinda Rathbone describes a certain dismay among the friends and colleagues attending the seventy-one-year-old photographer's memorial service. Given the splits and far-flung qualities of Evans's busy personal life, she writes, even those who were most



Evans at work in 1929

intimate with him realized "there were rooms upon rooms" of Evans's life they would never know. Such a metaphor seems applicable to the public's understanding of Evans's professional life and the body of his work as well, where there are also "rooms upon rooms" not commonly appreciated.

Born into sturdy midwestern prosperity in 1903, Evans grew up in St. Louis and suburban Chicago. His father was an advertising man who later left the family for another

woman. This experience, asserts Rathbone, encouraged an introspective turn in the young boy, who sought refuge in his diary and his Brownie camera. Known as a bright but inattentive student at his first East Coast prep school, Evans would eventually graduate from Phillips Andover. But he flunked out of Williams College after his first year, having spent far more time daydreaming about becoming a writer while reading in the library than putting in the hours needed to pass the required course in Latin.

WALKER EVANS: A BIOGRAPHY

BY BELINDA RATHBONE
HOUGHTON MIFFLIN COMPANY
358 PP. \$27.50.

After a short stop in New York as a clerk at the Public Library, Evans went on to Paris on his father's tab, finding it, as fellow expatriate Malcolm Cowley put it, "a great machine for stimulating the nerves and sharpening the senses."

"Evans had been raised to think of artists as forbidden fruit, and the life they led abroad as charged and erotic," writes Rathbone. But in Paris, he was just "a nobody" hovering on the edges of the literary and artistic ferment of the day, so insecure in fact that he turned down an offer to meet James Joyce at Sylvia Beach's famous bookstore, Shakespeare and Company. It was not time wasted, though. In Paris he first developed his powers of observation. "Stare," he advised his admirers years later," writes Rathbone, describing the legacy of his days sitting and watching in Paris cafes. "It is the only way to educate your eye."

Returning to New York in the late twenties, Evans began to come into his own, socially and professionally. Befriending such notable young bohemians as the poet Hart Crane and the painter Ben Shahn, he was part of a

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William McGowan, a journalist in New York, is working on a book about identity politics and the press.





In 1931, Evans photographed "Main Street, Saratoga Springs" (far left). Although he was most comfortable functioning as a kind of "arbiter of taste, a connoisseur of manmade America," which he did for most of his career, he remains best known for documenting Depression life

When he was sent to Cuba in 1933 to provide photographs for a book on political oppression there, he hung out with Hemingway and photographed the country's "social ambience" (near left), not its poverty

By the time (1929) he photographed a crowd gathered at a rural sports field (following page), he had already developed his own personal aesthetic: a Whitmanesque devotion to the "expressive potential of the ordinary"



fast, effete crowd of writers, artists, and dancers. He began to develop his own personal aesthetic — characterized by Rathbone as a Whitmanesque devotion to the “expressive potential of the ordinary.” During this period, Evans roamed the city anonymously and aimlessly, looking for any subject that he felt could reveal “candid human emotion” or capture “the coarse social weave of contemporary urban life.” It was also at this time that he began to gain recognition. His photographs accompanied the 1930 publication of Crane’s epic poem, *The Bridge*, and he was one of the first photographers hired by the fledgling Museum of Modern Art.

Evans’s relationship to journalism

and to the politics of the day was aloof and one-sided. An editor at J.B. Lippincott, apparently mistaking Evans for an aspiring magazine photographer, sent him to Cuba in 1933 to illustrate a book by the radical journalist Carleton Beals on political oppression there. But, as Rathbone notes, while Evans luxuriated in Cuba’s social ambience and visual idiosyncrasies and hung out with Hemingway, the country’s poverty and oppression did not find its way into the book. In fact, he never even read Beals’s galleys.

Nor was Evans all that gripped by the onset of the Depression. As Rathbone tells it, rather than seeing the Crash of 1929 as a harbinger of

suffering, Evans and his feckless downtown comrades cheered at the news that businessmen were throwing themselves out of windows, seeing in such tragedy confirmation that the business world was fundamentally corrupt. Even his job as an information specialist with Rexford Tugwell’s Resettlement Administration, an important agency in FDR’s New Deal, was more a matter of opportunism than political idealism.

Evans’s style, devoid of political overstatement, drew many admirers, including the writer James Agee, who asked that Evans accompany him on an assignment for *Fortune* magazine to document the conditions of



southern tenant farmers and their families — the seminal work that was later published in book form as *Let Us Now Praise Famous Men*. Agee had sought Evans because he wanted straight documentary, not “hackneyed Depression propaganda” of the type that other photographers, such as Margaret Bourke-White, were producing for that other Time publication, *Life* — “all wind-blown fields and starving livestock and concerned-looking farmfolk.” To Agee, says Rathbone, Evans “was the only photographer he knew who understood that the camera could lie just as easily as it could reveal the truth.”

The assignment did not go smoothly.

The two had trouble locating the three families they had set out to find, and had a hard time piercing the small town suspicion of the people they encountered along the way. There was personal friction as well, triggered by Agee’s impatience with Evans’s slow methods of working and his self-indulgent manner. For his part, Evans wondered whether Agee was too eager to shed his sophistication and become, like the families, “a primitive.” While Agee eventually moved in with the families to better limn their experience, Evans, who often worked in dandyish white gloves, spent a few nights and then went to a hotel, leaving behind the bad food and bedbugs.

Although Evans’s memorable pictures of the three sharecropper families are meant to be sympathetic, he intended no pity. What is striking, Rathbone emphasizes, is not the poverty but the purity of the homes; she says that they argue not that poverty should be abolished but that the people should be respected for what they were. Indeed, as a *New York Times* critic would later say, Evans had nothing of the “evangelical” in his approach. “He does not carry along with him the reformer’s zeal.”

The sharecropper photos were clearly the high point of Evans’s career. Yet Rathbone’s discussion of the later periods of Evans’s life shows that it was hardly all downhill from there. With so many journalists on military leave during World War II, Evans, who dodged the draft by conveniently marrying the former wife of a friend, was able to realize his boyhood dream of becoming a writer, landing a spot at *Time* as a movie and book critic. And so while other photographers like Robert Capa and Margaret Bourke-White were risking their lives going on military operations, Rathbone observes in one of her flashes of bile, “Evans was safely tucked away with his typewriter on the fiftieth floor of the Time-Life Building at Rockefeller Center. The weekly deadline was his only threat.”

Alongside John Hersey, Whittaker Chambers, and Saul Bellow, Evans

“could not have asked for better comrades” to work or booze with. In a reminder of how much journalism has changed, she explains that, like him, most of those at *Time* saw themselves as creative artists first and journalists second. Though its style was foreign at first he soon conquered it to write with the chattiness of a master. At war’s end, he used his contacts to transfer to *Fortune*, where he was a staff photographer for the next two decades.

Functioning as a kind of “arbiter of taste, a connoisseur of manmade America,” Evans was allowed by his indulgent bosses at *Fortune* to pursue his interest in the forgotten, the idiosyncratic, and the obscure. Characteristically, he took advantage of the situation to the hilt, running up expenses and taking as much time on the road as he wanted. “He was a little on the spoiled side,” recalled one colleague, who said he tended to walk down the corridor in “his own private cloud.”

During this period, Evans enjoyed a revival among a new generation of other artists and photographers, such as Robert Frank. To them, writes Rathbone, “Evans was a model of artistic integrity. His unheroic portrayal of the American scene, his affection for the primitive and his reticence toward political statement formed a foundation upon which they might build their own photo visions.” In 1960 Houghton Mifflin decided to reprint *Let Us Now Praise Famous Men*, and the book was “reborn like the Phoenix,” further reviving interest in Evans and his work.

But as appealing as Evans was to the budding counterculture, his “sweet tooth for the aristocratic” grew stronger as he grew older. While he would be comfortable as the aging hipster at a downtown painter’s loft party, Evans was more at home among the pipe smoke, leather armchairs, and the Anglophilic pretensions of the Century Club, making up stories of brahmin family roots and pursuing what Rathbone calls an “exaggerated sense of personal entitlement” completely beyond his means. At

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one point he used money given to him for a medical leave to buy a secondhand Jaguar. It was also a period of increased dissipation — according to Rathbone, Evans got up to a bottle of vodka a day. After subjecting his wife to much psychological abuse, he divorced, but a while later married a much younger Swiss woman with whom he began an affair while she was still married, "a situation," Rathbone tells us, "to which he was well-accustomed."

Having trouble justifying "a photographer who seemed to do whatever he pleased, if he did anything at all," his bosses at *Fortune* told him in the early 1960s he was a luxury they could no longer afford. But once again falling back on his network of well-connected friends, Evans got a teaching job at Yale.

There he warned students of the danger of nostalgia, sentiment, propaganda, and color, spoke of photography as "the most literary of arts," and roped students into helping him steal road signs for his ever more eccentric collection of American cultural artifacts. While rewarding, this period was also sad. He grew testy at always being questioned about the Depression, "as if he weren't a living artist, still churning with ideas."

Although Rathbone's portrait of Evans is hardly flattering on a personal level, she leaves no doubt about the impact and influence of his work. Describing a journalistic world with more opportunity than ours for cross-over talents like Evans, Rathbone suggests that Evans the photojournalist was only the adjunct to Evans the artist. Although he has a "self-effacing style," she observed, he left a formidable imprint on history. As Hilton Kramer's *New York Times* review of a 1971 Evans retrospective at the Museum of Modern Art put it: "For how many of us has our imagination of what the United States looked like and felt like in the 1930s been determined not by a novel or a play or a poem or a painting or even by our own memories but by the work of a single photographer, Walker Evans?"

It Wasn't Just Watergate

by Piers Brendon

At the beginning of this notable autobiography Ben Bradlee acknowledges the help in furthering his career given by Richard Milhous Nixon. Toward the end Bradlee recalls the presence in his story conference room of a large color photograph of a smiling President Gerald Ford captioned, "To Ben Bradlee and all my friends at *The Washington Post* . . . Jerry Ford." Watergate, in short, made Bradlee the greatest editor of his day. Yet, as his wise, witty, and wonderfully entertaining book reveals, the breaking of that story was merely the crowning endeavor in a lifetime of journalistic achievement.

A GOOD LIFE: NEWSPAPERING AND OTHER ADVENTURES

BY BEN BRADLEE
SIMON & SCHUSTER
514 PP. \$27.50.

Bradlee modestly attributes much of it to luck and maybe he has had more than his fair share. A Boston brahmin, he went to private school during the Depression. He recovered from polio and sailed through Harvard. He had a "good war" on destroyers in the Pacific. Afterwards he was able to buy himself a newspaper apprenticeship, helping to found and run the award-winning but short-lived *New Hampshire Sunday News*. In 1948, thanks to a rainstorm, he missed a train stop in Baltimore and went on to get a job at *The Washington Post*. According to his own account, he just chanced to be on hand to give a detailed report of a man threatening to jump from a ninth-floor window ledge and to witness an assassination attempt on President Truman. Actually, Bradlee was beginning to make his own luck.

He was also making waves. In 1949 the craven *Post* gutted his eyewitness account of the Anacostia race riots, which broke out over the issue of segregated

Piers Brendon, author of The Life and Death of the Press Barons, is a fellow of Churchill College, Cambridge.

swimming pools, and buried it inside the local section of the paper. Bradlee's comment is worthy of that profane word-scrambler Joseph Pulitzer himself: "Unfucking-believable!" Bradlee and fellow reporter Jack London did "a rain dance" in the city room. So the publisher, Phil Graham, intervened. But he agreed

alas, silent about the gifts Ike himself received but somehow failed to diminish his moral stature.

Bradlee was certainly fortunate to acquire John F. Kennedy as a Georgetown neighbor in the late 1950s. But he capitalized on his luck, writing insider pieces about the presidential campaign and stealing frequent marches on his rivals. Subsequently he dictated an exclusive story leaked to him by the president, about the swapping of U-2 pilot Gary Powers for Soviet spy Rudolph Abel, direct from the White House.

According to a recent biographer of Kennedy, the president "shamelessly manipulated" Bradlee, spilling secrets in return for "favorable coverage." It's true that Bradlee kept quiet about the president's foul mouth, a convention of which he rather approves today, though he sabotaged it in his salty *Conversations with Kennedy* (1975). Bradlee also made no mention of Kennedy's womanizing, claiming that he knew nothing about it then

(despite the fact that one of the women in question was his own sister-in-law) and is "appalled" by it now. However, he was no mere presidential poodle. Bradlee even criticized Kennedy's attempts to control the press, for which he was briefly banished from the White House.

Having brokered the deal by which *The Washington Post* bought *Newsweek*, Bradlee became managing editor of the newspaper in 1965 and executive editor three years later. Supported by publisher Katharine Graham, he modernized the *Post* and hired new talent. With a little help from Sally Quinn, now his third wife, he created the Style section. Under his auspices the paper took proper account of the women's movement, civil rights, and the drug culture. It also changed sides on Vietnam. Bradlee made the *Post* the voice of the age and, at its best, the conscience of the capital. He followed *The New York Times's* lead over the Pentagon Papers, resisting official attempts to gag him. Despite his initial view that the revelation of Nixon's self-bugging was only a B-plus story, Watergate was his finest hour.

Such is Bradlee's fame that one often feels a sense of déjà vu when reading about the part he played in public events,



SIMON & SCHUSTER

Editor and publisher: "God bless her ballsy soul"

not to splash the full story in return for a promise by the secretary of the interior, Julius Krug, to integrate the pools the following year. Bradlee now reckons that this served the public interest, though he adds: "I am instinctively pro-sunshine, against closed doors, pro-let-it-all-hang-out, anti-smoke-filled rooms. I believe that truth sets man free." Ironically, the acceptance of his credo in newsrooms throughout America means that no such secret deal could be struck today.

Bradlee's perverse addiction to truth-telling permitted him only a brief interlude as press attaché to the American embassy in Paris during the McCarthyite era. But it served him well on *Newsweek*. He was arrested and nearly expelled from France for trying to report on the Algerian national liberation movement. During the Middle East war of 1956 he visited the Israeli front line by taxi and only just missed death in Egypt aboard a jeep. Later he exposed the venality of Eisenhower's self-righteous chief of staff Sherman Adams, discovering in the process just "how little it often took to corrupt a Washington official." Bradlee is funny about Bernard Goldfine, who bribed Adams and tried to bribe him. But he is,

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none more than this. But if he adds little to the mountain of information already printed about Watergate, his reflections on it are always pertinent. He relishes the irony that Nixon, who hated journalists, "attracted an entire generation of able, young, tough activists" into what seemed to them a heroic profession. It was "forever changed," he believes, by the press's post-Watergate assumption that "government officials generally and instinctively lied when confronted by embarrassing events." On the other hand, the status of journalists also changed, not least as a result of Alan

Pakula's film *All the President's Men*, which Bradlee thought "damned good." Sitting in the best seats of the establishment, they now felt more protective toward it. Even at the *Post*, Bradlee considers, "the fires of investigative zeal were allowed to bank."

Its hubris was notoriously rewarded with the publication of Janet Cooke's Pulitzer Prize-winning report about an eight-year-old heroin addict who turned out to be a figment of her imagination. Bradlee gives a suitably chastened account of this episode. Cooke's references were not checked because she was "too good to be true, and we

wanted her too bad." Worse still, he admits, the *Post's* editors were only concerned about the story; they did not think about the safety of the child.

Throughout, Bradlee is engagingly candid about his faults, personal as well as professional. This is one of the charms of his book, which is written in a sizzling demotic hot from the newsroom. It also lets him spurn false modesty. Indeed, he retails his copious retirement plaudits with pardonable pride. He also blows the trumpets of friends and allies, none louder than that of Katharine Graham — "God bless her ballsy soul." Doubtless she was an excellent boss, grossly traduced in 1976 by a *Post* striker carrying a placard saying: "Phil Shot the Wrong Graham." But Bradlee's account of the editorial staff's cheering when a policeman wantonly assaulted this demonstrator leaves a nasty taste in the mouth.

In general, though, Bradlee basks in a glow of nostalgia that old-fashioned liberals feel for the bright hopes of the Kennedy era and the great causes of the Johnson and Nixon presidencies. Despite the gritty cynicism of his style he seems to embody an idealism that has been tarnished, if not quite obliterated, over the past two decades. At a time of political passion and national trauma, Bradlee was the champion of an honest and courageous journalism that did the state some service. When all is said and done, it is hard not to admire him.

The *Post* learned its lessons from the Cooke affair and at the end of the book Bradlee briefly records his own maxims about the craft that he has practiced with such courage and distinction. He deplores "kerosene journalism," the tabloid habit of adding fuel to smoking news. He declares that most government attempts to suppress information on grounds of national security are bogus, designed to serve its own and not the public interest. But the press should maintain the privacy of officials, he avers, except where their private lives impinge on their public duties. Beyond such laws Bradlee has no general theory of journalism, only a grade school motto: "Our best today; better tomorrow." It's a good conclusion to a good book about a good life. ♦

CJR NOVEMBER/DECEMBER 1995



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SURVIVAL TACTICS

If I was different from other reporters it was in the hydrogen peroxide I carried along with microphones, notebooks, audio tapes, cassette recorders, and cash. Peroxide was the most important item, especially on the Iraqi border. In this remote area soaked in mud and surrounded by human waste, there were limits to sanitation. While the closest most reporters came to contaminating their own bodies was by eating a piece of local bread with unwashed hands, for me it was quite different. I use a catheter. Every four hours, every day, for the past fifteen years I have had to insert a tube to empty my bladder. It is a detail which can remain fairly discreetly hidden in most situations. While the



processes demanding filling and emptying remained just as urgent here, this environment was hardly optimal for maintaining the near-sterile conditions necessary for using a catheter safely. To expose the catheter to elements for even a few seconds was to risk infection as definitively as using a contaminated hypodermic syringe risked introducing hepatitis, or worse, into the blood.

After two days my hands had become utterly filthy, and my tattered gloves were soaked through with every local

soil. At a certain point one can feel the collective momentum of a human tragedy. With overwhelming power, biological forces penetrate skin, culture, geography, careers, and deadlines. The Kurdish refugees clawed through the mountain foliage, plowing up a rich loam of conquered humanity. I did not want to become fertilizer.

It was not the first time I had encountered potentially lethal mud in the course of covering a story. To prevent infections in such situations, I adopted a simple if crude strategy of self-denial that had served me well in the past. I would go into something of an emergency-induced body shutdown. Nothing in; nothing out. No food meant no waste. No water meant no parasites and therefore no infection.

FROM **MOVING VIOLATIONS: WAR ZONES, WHEELCHAIRS, AND DECLARATIONS OF INDEPENDENCE**, BY JOHN HOCKENBERRY. HYPERION. 371 PP. \$24.95.

SUPPORT FOR THE ARTS

The money was running out. The money was always running out. *The Little Magazine's* identity — the only thing it had plenty of — was patrician; its owner and editor, despite the desperate squalor of his surroundings, always wore a monocle and took frequent pinches of snuff. Prodigiously inefficient and self-pitying, *The Little Magazine* drained money from anyone who went anywhere near it. Push your way past its hardboard door, in your silk hat and cashmere overcoat, and after a couple of weeks you too would be sleeping rough. On the other hand *The Little Magazine* really did stand for something. It really did stand for something, in this briskly materialistic age. It stood for not paying people. And when it did pay people, it paid them little and it paid them late. Printers, landlords, taxmen, milkmen, contributors, staff: it paid them next to nothing and always at the very end of the eleventh hour. No one knew what happened to the "contributions" — the minor loans, the royal ransoms — which *The Little Magazine* impartially processed: the dole-checks and dowries, the nest-eggs, the five-generation brewing fortunes. Some magazines were success stories, but this magazine was a sob story.

FROM **THE INFORMATION**, A NOVEL BY MARTIN AMIS. HARMONY BOOKS. 374 PP. \$24.

HER BRILLIANT CAREER

A friend of mine named Lorraine left an insurance company to become a writer. After a few days, Lorraine called to get some pointers about her new career. "You've been writing for a few years, right?" she began.

"Right," I answered.

"Well, I have a very important question to ask you."

"Yes?"

"Do you get dressed in the morning or what?"

FROM **THE COURAGE TO WRITE: HOW WRITERS TRANSCEND FEAR**, BY RALPH KEYES. HENRY HOLT AND COMPANY. 229 PP. \$17.95.



CLAIMS & FLAMES... ALL IN A DAY'S WORK

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The Lower case

Special puts focus on 'Christian right'

Kentucky preacher supplies a face for this activist sector



The Elkhart (Ind.) Truth 9/6/95

Women compromise 26 percent of town's workers

Westport (Conn.) News 9/20/95

Dahmer remains cremated but his brain is preserved

Connecticut Post 9/18/95

Swimsuit judging called good for fitness

South Bend (Ind.) Tribune 8/22/95

N.C. State cattle researchers look over a Jersey cow that was impregnated with semen donated by a Maine dairy farmer.

Wilmington (N.C.) Morning Star 8/8/95

Beheading can cause kids stress

The Lompoc (Calif.) Record 7/26/95

EDITORS' NOTE: A mistake made by a transcription service mangled a quotation from William Bennett in Michael Kelly's July 17th Letter from Washington. In criticizing the political views of Patrick Buchanan, Mr. Bennett said "it's a real us-and-them kind of thing," not, as we reported, "it's a real S & M kind of thing."

The New Yorker 8/14/95

Lightning Strikes Miss Wallowa-Whitman

Hell's Canyon (Oreg.) Journal 9/6/95

Mayors marry more often than you might think

Sunday Patriot-News (Harrisburg, Pa.) 6/5/95

Ski area releases invalid

Burlington (Vt.) Free Press 9/9/95

Chicago checking on elderly in heat

The Boston Globe 8/1/95

OJ blamed for Disney salmonella outbreak

The Miami Herald 8/17/95



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